Case Number

88-944

Supreme Court, U.S.
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IN THE

United States SUPREME Court

FALL TERM 1988

APPENDIX TO

PETITION FOR WRIT OF CERTIORARI

JOHN G. BARROW JR.
Plaintiff - Appellant - Petitioner
VS.
JAMES HARRISON et. al.
Defendant - Appellee - Respondant

ON WRIT OF CERTIORARI FROM THE U.S. COURT OF APPEALS, ELEVENTH CIRCUIT ATLANTA, GEORGIA

John G. Barrow Jr.
A Layman without legal education
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. (110)
Amd. V and Amd. XIV 42 U.S.C.A. § 1983) § 19 42 U.S.C. A. § 1985) Under the Civil Rights Act.

b) Deprivation of Full and Just Compensation including Rent for " Use and Occupation" 28 U.S.C. § 1343) 18 U.S.C. § 242) 18 U.S. C.A. § 1331, under the civil rights act.

c) § 241 Conspiracy R.S. 1979 § 1343 Sec 6. resulting in injury to Plaintiff, under color of office.

(i) Apart from the conspiracy Section 1985 of Title 42.

(ii) As a results of the collusion conspired by defendants to commit the Tort, Plaintiff was injured.

(iii) Injuries sustained and Damages.

(iv) Malice with Scienter on part of Defendants, resulted in mental anguish.

THE CONSPIRACY EFFERVESCED

1) In Torreyton v Dutton et al 188 So 805 and in Heffner v Northwestern Mutual Life Ins. Co. 123 U.S. 747 748 8 S Ct 337 L Ed 309 . In Cases there cited 61 C.J. 280 Sec. 1795.

The Supreme Court of Florida Held:

" If a valid tax deed has been applied for and had been issued under the certificate, the gurantee of the tax deed would have thereby acquired a Complete, New Independent grant from the sovereignty which would have barred or extinguished all prior titles and encumbrances of private persons and all equities arising out of them"

2) Direct evidence is not necessary in Collusion.

In State v Spalding 19 Conn 233 237 48 Am dec 158; and In State v Murphy 124 Conn 60 at page 79 9 A 2d 63 and, In State v Hayes 127 Conn 543 555, 18 A 2d 895, and In State v Rich,129 Conn. 537 540 20 A 2d 771; and, In State v Failliace, 56 A 2d 167.

The Court held that:

" A hundred years ago, that conspiracy can seldom be proved by direct evidence, but may be inferred from acts done"

3) In State v Murphy,124 Conn 554 1 A 2d 274 and In State v Spalding,19 Conn 233 237 48 Am Dec 158;

The Court has held:

" The proof of this (conspiracy) is not often made by direct open positive evidence butmore generally and more naturally by proving a repetition of acts done of a character to show mutual purpose" In such case it is seldom true that any one act taken by

(112)
itself can be detected as tending to prove a combination, but when it is seen in connection with other acts its true nature is discovered. So as this species of proof is multiplied a strong case of unlawful conspiracy is often established"

4) In State v Rich,29 A 2d 771 The Court Held;

" To constitute a conspiracy there need be no formal agreement between the parties, it is enough if there is a mutual purpose to do the forbidden act"

5) In State v Kemp,126 Conn. 60 79 A 2d 63

The Court Held:

" A conspiracy may be established by proof of seperate acts of individual conspiracies done in accomplishment of the common purpose"

6) In State v Cannon,75 Conn 206 216 52 A 272
The Court Held;

" If evidence offered by the State was insufficient in itself to prove the guilt of the defendants beyond a reasonable doubt it was at least sufficient to cast upon them the burden of explaining the incriminating circumstances"

7) In Monroe v Pape 81 S Ct 473; The Court Held;

" Section 1979 should be read against the background of Tort liability that makes a man responsible for the natur-

al, consequences of his actions"

8) Federal Jurisdiction must be asserted under R.S. § 1979 and 28 U.S.C. § 1343 and 28 U.S.C.§ 1331, 28 U.S.C.A. § 1331

This Plaintiff does hereby invoke the Constitution of these United States.

COLOR OF OFFICE

1) In Monroe v Pape,365 167 & 81 S Ct 473;

The Court has held:

> " Misuse of power possessed by virtue of State law and made possible only because the Wrong Doer is clothed with authority of State Law is action taken under color of law"

2) Allegations of facts constituting a deprivation Under Color of State Authority of rights guaranteed by Fourteenth Amendment, satisfy requirements of Statute making any person who under color of State Statute, Ordinance, etc.deprives any citizen of his constitutional rights, liable to party injured. U.S.C.A. Const.Amends 4,14,S,H.A. 111 art 2 § 6, 42 U.S.C.A. § 1983.

3) Congress has power to enforce Fourteenth against those who carry Badge of Authority of a State and represent it in some capacity, whether they act in accordance with their authority or, misuse it. U.S. C.A. Const. Amend 14.

4) One reason for passing of Federal Statute providing that every person who under color of any State Statute, Ordinance,Custom etc. deprives any citizen of the United States his constitutional Rights is liable to party injured, was to afford a Federal Right in Federal Court where because of Passion, Prejudice, Neglect, Intolerance, or otherwise, State Laws might not be enforced and claim of citizens to enjoyment of rights, privileges and immunity guaranteed by Fourteenth Amendment might be denied by State Agencies 42 U.S.C.A. § 1983; U.S.C.A. Const. Amend14.

5) Under Statute making every person who under Color of any State, Statute, Ordinance, Regulation etc. deprives any citizen of the United States of his Constitutional Rights liable to party injured. Federal Remedy is supplementary to the State remedy if any, need not be first sought and refused before a Federal one is invoked. 42 U.S.C.A. § 1983.

6) This case presents important questions concerning the construction of R.S.§ 1979 42 U.S.C. § 1983) U.S.C.A. § 1983.

Which reads as follows:

" Every person who under color of any Statute, Ordinance, Regulation, Custom or Usuage of any State or Territory subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights Privileges or immunities secured by the constitution and laws , shall be liable to party injured in an action at law, suit

in equity or, other proper pro ceedings for redress"

7) Section 1979 should be read against the background of TORT LIABILITY that makes a man responsible for the Natural Consequences of his actions."

8) Since the 14th Amendment forbids any State from making or enforcing any law abridging these privileges and immunities as you can not reach the Legislature, the injured party should have an original action in our Federal Courts.

9) " Every person who under color of Statute Ordinance, regulation, custom or Usuage of any State * * * subjects or causes to be subjected any citizen of the United States or, other person within the contributing to the deprivation of any rights, privileges or immunities, secured by the Constitution and laws shall be liable to party injured in an action at law, suit in equity or other proper proceeding for redress"

10) Plaintiff Respectfully requests this Court to not blind itself to: 365 U.S. 167 S Ct 473.

" The existence of a State remedy for the alleged wrong did not affect the right of plaintiff to federal courts for relief. A plaintiff need not seek or resort to a State Remedy even if such remedy is adequate and available"

11) In The United States v Mosley 238 U.S. 35 S Ct 904 The Court Held;

" If one or more persons conspire to injure oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right, or privilege secured to him by the Constitution or laws, in the United States or, because of his having so exercised same * * * they shall be fined not more than $5,000 and imprisoned not more than ten years and shall moreover be thereafter inelegible to any office or place of honor, profit or trust created by the Constitution or laws of the United States"

Some of the enforcement acts were repealed in 1909, but Section 6 as then reenacted stands good for whatever it properly covers"

12) In ex parte Young 209 US 123 The Court holds:

" * * * * since the sovereign can do no wrong, if an Official actually does wrong he (or she) has placed himself(herself) outside the protection of sovereign immunity"

13) In Monroe v Pape, 81 S Ct The court has held:

" There can be no doubt at least since Ex parte Virginia, 100 US 339 346,347 , 25 L Ed 676. That Congress has the power to enforce provisions of the Fourteenth Amendment against those who carry a Badge of authority of a State and represent it in same capacity, whether they act in accordance with their authority or misuse it" Home Tele Co. v City of Los Angles, 227 US 287, 296 33 S Ct 312,314,318, 57, L Ed 510.

JURISDICTIONAL MINIMUM

14) The trangression by James,Harrison Marks, Gray,Conroy and Gibbs,The Nassau County School Board, of Plaintiff's rights far exceed the jurisdictional Minimum of the District Courts.

15) The Law Firm of Marks, Gray,Conroy and Gibbs, and James Harrison, did embark upon a Campaign to deprive Plaintiff of First Amendment Rights, to deprive Plaintiff of Due Process of law and equal protection of the laws.* * * his property rights without due process of law. 28 U.S.C § 1331 is invoked.

"First Amendment Rights are secured to Plaintiff by the Due Process Clause of the Fourteenth Amendment to the Federal Constitution against State infringement by the State. Equal protection of the laws of a State is also secured against state infringement by the equal protectionClauses of that Amendment.

The Complaint therefore meets the first requirement, for Starting a Cause of Action under § 1983.

Whether the Complaint meets the Second Requirement, of alleging facts, sufficient to show that James Harrison, the law firm of Marks, Gray, Conroy and Gibbs, and the Nassau County School Board, acted Under Color of Law, is more difficult. When a Complaint meets the first requirement, and the Defendants are Officer or Official the Second Requirement is automatically met.

" Misuse of power, possessed by virtue of State Law and made possible only because the Wrong Doer is clothed with the authority of a State Law" Monroe v Pape, 365, US 167, 184, 81 S.Ct 473, 482 5 L Ed 2d (1961) quoting from United States v Classic, 313, US 299, 326, 61 S Ct. 1031, 85 L Ed (1941)

In Aickers Supra, Mr Justice Brennan in his opinion concurreing in part said: " Thus a Public OFFicial acting by virtue of his Official Capacity always acts under color of State Statute or other law whether or not he overtly relies on that authority to support his action and whether or not that action violates state law" 398, US @ 212 S Ct @ 1631. Opinion of Brennan.

16) To act under color of law does not

require that the accused be an officer of the State. It is enough that he is a WILFUL PARTICIPANT in joint activity with the State or its Agents" United States v Price, 383, US @789, 86 S Ct 1152 16 L Ed 2d 276) 398 US @ 152 S Ct @ 1605 , Majority Opinion.

17) In Mullary v Berglum, 323 F Supp 1218; The Court Held:

" Requirement of Civil Rights Statute, that Plaintiff alleges facts sufficient to show that Defendants acted Under Color of Law, is automatically met when Defendants are State Officers or Officials"

" It is therefore un-necessary to the maintainance of an Action Under § 1985 (2) to allege or show any State Action or involvement by any State Official" United States v Kress & Co. Supra 398 US @ 208 210, 90 S Ct.

18) Neither James Harrison, the Law Firm of Marks, Gray, Conroy and Gibbs nor the Nassau County School Board are mere wilful participants, they are all Head Honshoes in this collusion.

19) In Pendrell v Chatam College Civ No. 71,-1160. The Court Held:

" Two elements which must be demonstrated in order to state a Cause of Action under Civil Rights Acts are

a deprivation of Constitutionally guaranteed right, that the deprivation by a Defendant who acted under Color of State Law"
42 U.S.C.A. § 1983

20) Because of defendants conspiring to deny Plaintiff of Rights protected by 42 U.S.C. § 1985 , Plaintiff does herewith invoke the Constitution of the United States and 42 U.S.C. § 1343 Also § 5508.

21) (a) In Mullarky v Borgium, 323, F Supp 1218, The Court Held:

" It is therefore un-necessary to the maintenence of an action under § 1985 (2) , to allege or show any State action or involvement by any State Official"
United States v Guest,382 US 745 86 S.Ct.1170 16 L Ed 2d 239 and;
In Acikers v Kress 7 Co supra 398 US @ 208 210 90 S Ct .

b) The acts complained of,was perpetrated by State Officers.

22) CONSPIRACY

a) The first smack of conspiracy was

at the time of the First Eminent Domain Proceeding mentioned above.

b) The Second smack of Conspiracy was that of Harrison's dismissal, of Barrows Amended Complaint.

c) The collusion became more obvious as the Kangaroo Court proceeded.

d) At the time of the selection of the jury this Orator knew that the Hand writing was on the wall -- this was a stacked deck --- a flim-flam, the ever presence of F.S. 877.01(4) effervesced !

e) The jury, admitted to their prejudices because of the Kenon assassination of Barrow's reputation by the News Media T.V. News and the State Officials,and other Street Talk.

f) Barrow was allowed to purge two of the Bias Jurors with prejudice,however

.(122)
James Hrrrison would make no provisions for the removal of Not One More Prejudicial Juror, Harrison ruled --- that the prejudice was " Not cause for Removal" Harrison, Gibbs and Barrow, all knew that Barrow did not even have a Prayer, resembling Justice. Not a China Man's Chance !

g) In the Chambers the day of the Kangaroo Court hearing, Conspiracy saturated the Air. Harrison denied Barrow the right to engage a Court Reporter, " Only One STORY will come out of this Courtroom" was Harrison's added remark.

23) James Harrison and Gibbs held their Kangaroo Court orchestrated by Craig Marsh, School Supertintendent.

24) Plaintiff's witness was disqualified by Gibbs, Harrison would allow

Plaintiff's witness to testify, but would not qualify, therefore Plaintiff had no witness.

The ever presence of F.S. 877.01(4) Rhapsodized !

25) Plaintiff objected to Craig Marsh being a witness, sitting in, and orchestrating all hearings, for this, Harrison coerced this Plaintiff, with threat of Contempt.

This Plaintiff alleged that Gibbs instructions to the jury were unconscionable, for this, Harrison again coreced this Plaintiff with threat of Contempt.

The ever presence of F.S. 877.01(4) effervesved !

26) The Black Deputy was sitting in. awaiting Harrison's Orders to take

. (124)
this Plaintiff away again, to the Federal Detention Prison in Yulee.

27) The hand writing was on the Wall This Plaintiff knew there would be no JUSTICE, in Harrison's Court. That false arrest was evident and eminent.

28) Harrison announced that No Compensation would be discussed before the Jury, who was in wait, except for the land.

29) The Florida Statute requires that rent SHALL BE CONSIDERED. There was the interest from the day of the taking until the day of Judgment. There was $250 submitted for Legal Secretarial Service. Harrison denied same. The Value of the Building was not allowed under Harrison's Orders, there was not even a Smack of Justice

remaining. The ever presence of F.S. 877.01(4) was effervescing !

Wherefore, this Plaintiff announced that he would leave the Courthouse absent another threat of contempt by James Harrison-- Harrison agreed gleefully ! The Eyes of his co-horts glittered !

KANGROO COURT CONTINUED

30) With no Defendant present at the Kangaroo Hearing and no one to represent Defendant (this Plaintiff) the Court continued.

31) The jury heard no testimony of the Defendant or any witness for defendant.

32) It is alleged that the verdict of the jury was $250 as just and full compensation for this Plaintiff.

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a) Land (see Godbee Lot $900, $900

b) Legal Secretarial Services $250

c) Rent of $250 per month , for use and occupation ---------- $7200. plus, interest accuring month to month from date due to date paid to this plaintiff.

d) Improvements on land ----- $7200

Full and just compensation $15550.00

33) A check No. 102 dated 12/14/83 for $250.00 made payable to John G. Barrow AND ALLEN GODBEE, a stranger to this Plaintiff was mailed to consummate the $15550.00 Full and Just Compensation due this Plaintiff.

34) A Collusion was ever so obvious Look at a parcel of land the same as that of Allen Godbee's plus clearing, plus improvements, plus appreciation,

plus rent month to month, for use and occupation @ $200.00 due until date paid and $250 Legal Secretarial Fees and all consummated for a WORTHLESS CHECK No. 102 for consummating $15550.00

35) Is this what the United States Supreme Court meant ? In West Chicago Park Com's. V Boal 83 N.E. 824 837 , 232 111, 248;

The Court Held: " The fair cash value in the Market of the leasehold interest and the BUILDING on the various lots at the date of filing petition"

In U.S. ex rel Tennassee Val. Authority v. Indian Creek Marble Co. D.C. Tenn. 40 F Supp 811 818, 819;
The Court Held That:

" Same market value as that which he had prior to the taking and the theory of " compensation" revolves around the idea of willingness to sell under no complusion and willingness and ability to buy, but with no Coercive need"

In National City Bank of N.Y. v U.S. 275, F 855 859;

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The Court Held;

" The market must be a FREE MARKET as prices prevailing in a market NOT FREE are NOT the measure of compensation"

In State ex rel Board of Regents for Central Mo State College v Moriarty Mo App 361 S.W. 2d 133,135;

The Court Held: " When offered for Sale, and purchased by one willing"

In re Armory Site in Kansas City,Mo 282 S.W. 2d 464 470

The Court Held" " What a reasonable buyer willing, but not compelled to purchase land, would take therefor"

In City of Chicago v Giedralits, 150 N.E. 2d 577, 579, 14 111, 2d45;

The Court Held: " For its highest and Best Use"

In Donaldson v City of Bismark, 3 N.W. 2d 808 818 71, N.D. 592;

The Court held:

" Danages recoverable as " just compensation" by owner of property that had been taken or damaged in violation of the Constitution includes such additional amount beyond value of the property or the amount of the damage to the property"

In Williams Land Co v U.S. 31 F Supp 154 159 90 S Ct 499;

The Court Held:

" Interest upon a condemnation award is payable as a part of " Just Compensation whether or not it is authorized by Statute"

In U.S. v Klamath and Moadock Tribes Ct Cl 58 S Ct 799, 801 304 US 119 82 L Ed 1219.

The Court Held:

" Which is the value at the time of the taking, PLUS an amount sufficient to produce the full equivalent of that value paid"

36) In U.S.C.A. Const.Amend 14; Tex Art 1 Sec. 19 and;
In Bielelecki v City of Port Author Tex 12 N.W. 2d 976, 978.

The Court Held:

" A citizen has a lawful right to use his property for any purpose he may see fit, so long as such use does not operate to substantially injure the rights of others and a denial of such right is a " deprivation of property" within due process clauses of State and federal Cobstitutions"

37) In Lee v State , 13 So 2d 583 and In State v Hughes, 2 Ala 102 36 Am Dec 411 and;
In Lewis v U.S. 146 US 370, 374, 13 S Ct 136 137, 36 L Ed 1011, 1013 and;
In Hope v Utah, 110 US 574, 4 S Ct 202 28 L ed 262 and;
In Percer v State, 118 Tenn 765, 103 S.W. 780, and;
In Riddle v Commonwealth, 216 Ky 220 287, S.W. 704;

The Court Held:

" The inquiry then, is whether or not the defendant may, or can, judically divest himself by consent or waiver, of this constitutional protection (and it has been held to be constitutional right to be personally present when the verdict of the jury is returned"

38) This Plaintiff did not waive

ANYTHING !

This Plaintiff when he left Harrison's

Kangaroo Court was in Flight for his

Freedom, and very possibility for his

life. Hate feeds on itself.

39) If, in fact it is true that the

verdict of the jury of the Kang-
aroo Court was but $250 to be divided
between Godbee (who had no interest
whatsoever, in the property being con-
demned and this plaintiff, then it is
ever so conclusive that the $250 award
was so grossly disaportionate to any
resemblance of " Full and Just Compen-
sation" reasonably warrented by facts,
as to raise immediate presumption of
Passion, Prejudice or Corruption by
F.S. 877.01(4).

ACT ONE NOT ENDED HOWEVER; Like that
of a three Ring Circus.

ACT TWO BEGINS

Channel 12 WTLV , wanted part of the
Action. !

1) On the 25th day of June A.D. 1984
One Laura Cook by phone requested an

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interview, This was not granted.

2) Plaintiff explained that he would not be available. Laura Cook was stalled.

3) She insisted on calling back on the morning of the 26th day of June and again she was denied a personal interview.

The denial of a personal interview made no difference whatsoever.

Before 1:00 P.M. Laura Cook was Ramming and Framming on Barrow's front door.

4) Mean while her co-horting Camera man was also invading the privacy of the Barrow family by taking pictures.

There is nothing newsworthy of how low down into the bottomless pit of poverty the State Officials and the News Media has succeeded in driving the Barrow

family's standard of living. It was obvious that the picture taking was for the purpose of more Smear and Smutt.

5) Then on the 6 P.M. News of Channel 12 WTLV came Ernie Mastronianni's Bomb Blast of Plaintiff's reputation.

6) Ernie Mastroanni's Massacre of Barrow's reputation begins Quote:

" Remember John Barrow, the fellow that evicted the Colored Couple in Quincy, the fellow that buys tax Certificates ? "

7) Mastroanni and Channel 12 WTLV was served by Certfiied Mail # P 651-872-683 a " Demand for Retraction and Apology" The date of the delivery is attested to by the return post marked June 29, A.D. 1984.

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To this date there has been no Notice of Retraction, no response of any kind or nature, only a continued acqicescence.

8) Channel 12 WTLV should be given an opportunity to prove their Character Assassinating", Eviction of the Colored Couple" to supply the Case Number and the Date of filing the Case, of the " Eviction of the Colored Couple"

9) Channel 12 WTLV is not only wreckless with the truth, and the reputation that they murder, they are also negligent to ascertain the truth, while merchandising their Smutt and Smear.

10) The Group of State Officials and the News Media are to be compared to the Head of an Octopus. At different

times it associated with itself the other defendant (the arms of the octopus) whose co-operation was of different kinds but always was in furtherance of the single conspiracy. The arms might not help or be associated with each other but were always attached to and endeavored to forward the purpose of the Head.

11) The intent of the Conspirators are to erroenously picture Barrow (who is forced to live in lower levels of poverty) as a wealthy individual who takes advantage of and unjustly forecloses on the poor, thereby making a Class appeal and branding Barrow as a Villan and Heartless.

12) Broadcasting such Rot into the homes has a devistating effect on

public opinion of all prospective jurors, culminating in a Shot Gun Blast of tampering with the jurors minds before they are selected.

13) In State v Spalding, 19 Conn 233 237, 48 Am Dec 158 and;
In State v Murphy, 124 Conn 554 564 1 A 2d 274 ; and
In Reg. v Myrphy 8 Car 7 P (Eng) 297, 310, and
In Commonwealth v Warren, 6 Miss 74, 75, ; and
In Commonwealth v McClean, 2 Pars Sel Eq Pa 367, 368 ; and;
In People v Looney 324 111 375, 384 155 N.E. 363 and;
In 2 Wharton Criminal Law 12th Ed § 1667, and
In State v Hayes, 18 A 2d 895;

All these courts hold:

" The proof of this (conspiracy) is not often made, by direct, open, positive evidence; but more generally and more naturally by proving a repetition of the acts of a character conducing to show a mutual purpose. In such case it is seldom true, that anyone act taken by itself can be detected as tending to prove a combination; but when it is seen in connexion with other acts; its true nature may

be discovered, An so as this species of proof is multiplied, a strong case of unlawful conspiracy is often established"

Wherefore; it is because of;

a) The complexity of this litigation

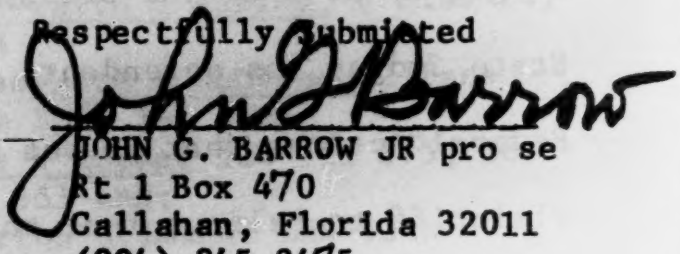
b) The many Federal Questions raised are substantial.

c) The One Federal Judge v One Federal Judge, as well as the pressure of other State Judges, as defendants in other Federal Actions that causes this Plaintiff to believe that this case may require a Three-Judge District Court One District Judge should not be called upon to invade the provence of, or be subjected to the pressure of a Three Judge District Court.

This Plaintiff has been so servely injured so many times and for such

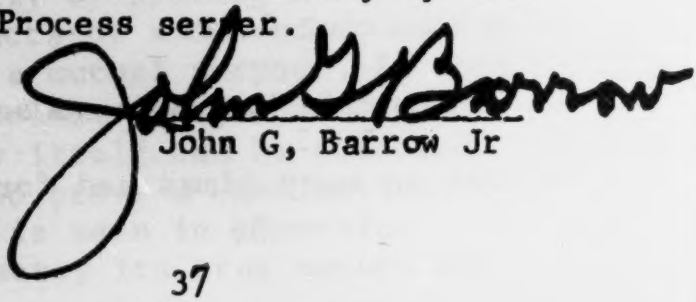
a long peroid of time that it is incumbent upon this Honorable Court to turn this Plaintiff's Ship around, in the name of Humanty and Good conscience. While urging this upon the Court, Plaintiff Prays what ever relief this Court finds Meet and Proper.

Respectfully Submitted



JOHN G. BARROW JR pro se
Rt 1 Box 470
Callahan, Florida 32011
(904) 845-2475

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished the 30th day of July, 1984 to: J.A. Peters The Capitol, Tallahassee, Fla. Marshall E Wood P.O. Box P Fernandina Beach, Fla 32034, Ernie Mastronianni, Laura Cook, Channel 12 WTLV / Howard Kelley by U.S. Mail and/or Process server.



John G, Barrow Jr

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Division

JOHN G. BARROW JR,
Plaintiff,

VS Case No. 84-589-Civ-J-10

JAMES HARRISON et al

Defendants

REPORT AN RECOMMENDATION

STATUS

An Order was entered stating that this case would be dismissed and that Rule 11, Federal Rules of Civil Procedure sanctions of costs and attorney's fees would be assessed following this Court's recommendation on the appropriate fees and costs. All parties wishing to assert a claim(s) for attorney's fees and/or costs were instructed to submit affi-vadits and time sheets detailing the

hours consumed in defense of the case.

Defendants have moved for attorney's fees. Affidavits and time sheets were properly submitted and a hearing was held.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Rule 11 as amended in 1983, is designed to discourage litigants who act in bad-faith in instituting or conducting litigation. See: e.g. Roadway Express, Inc. V Piper, 447, U.S. 752, (1980) Hall v Cole 412 U.S. 1, 5, (1973) applies to anyone who signs a pleading, motion or other paper.

By its own language, Rule 11 is not limited to attorneys but applies equally to pro se parties. This Court

of course, has discretion to take into consideration the special circumstances, arising in pro se situations. Haines v Kerner 404 U.S. 519,(1972).It has done so in this case.

The record is replete with plaintiff's abuse of the judicial process. In addition to the abuses found in the present case, Barrow has filed numerous cases in this Court, of which the following have been found to be vexatious and frivolous.

84-64-Civ-J-16; 84-104-Civ-J-14;
84-135-Civ-J-14; 84-191-Civ-J-12;
84-192-Civ-J-16; 84-412-Civ-J-12;
84-414-Civ-J-16; 84-437-Civ-J-16;
84-456-Civ-J-14; 84-588-Civ-J-12
84-589-Civ-J-12; 84-590-Civ-J-16;
84-981-Civ-J-14; 94-1191-Civ-J-12;
85-91-Civ-J-12; 85-160-Civ-J-14;
and 85-287-Civ-J-12.Plaintiff's litigation strategies in each of these cases has been the same.

prolific and unintelligible pleadings abusive and offensive language directed at both the Court and the parties, and refusal to follow an orderly and progressive course of litigation. Under circumstances such as these, which demonstrate a continuing pattern of frivolous litigation, Rule 11 Sanctions are entirely appropriate.

Because this case was filed pursuant to 42 U.S.C. § 1983, attorney's fees are also available under Section 1988 of the same Title. Under that Section the Court may in its descretion award reasonable attorney's fees to the prevailing party in an action brought to enforce a provision of Section 1983 However,

(w) hile prevailing plaintiffs rout-

inely recieve attotney's fees, prevailing defendants are entitled to them only if the plaintiff's lawsuit was without foundation, frivolous, or unreasonable. Hughes v. Rowe 449 U.S. 5 (1980) .See also Harris v Plastics,Manufacturing Co. 617, F 2d 438 (5th Cir 1980); Bowers v Kraft Food Corp. 606 F 2d 816 (8 th Cir 1979) and Lopez v Aransas, Co. Independent School District, 570, F 2d 541,(5th Cir 1978) all adopting the standard set forth in Christianburg Garment Co. v Equal Employment Opportunity Commission 434, U.S. 412 (1978)

Hepperle v Panama Michinery and Supply Co 532 F Supp 1085 (N.D.) Fla 1982) aff'd 752, F 2d 647 (11th Cir 1985) in an unpublished opinion. In the present case there is no question that the plaintiff's lawsuit was without foundation. It was also frivolous and unreasonable, and the Defendants who succeeded in having the lawsuit dismissed, are clearly

prevailing parties. Accordingly, Defendants are entitled to attorney's fees as a sanction under Rule 11 or as an award under Section 1988.

At the hearing on the Motion for attorney's Fees, Plaintiff was given the opportunity to question the attorney's affidavits in accordance with Johnson v Georgia Highway Express Inc. 488 F 2d 714 (5th Cir 1974) In that case the court established guidelines to be followed in determining the reasonableness of the award for attorney's fees. Those guidelines include consideration of;

1. The time and labor required.
2. The novelty and difficulty of the questions.
3. The skill requisite to perform the legal service.
4. The preclusion of other employ-

ment by the attorney due to acceptance of the case.
5. The customary fee.
6. Whether the fee is fixed or contingent.
7. Time limitations imposed by the client or the circumstances.
8. The amount involved or the results obtained.
9. The expierence, reputation and ability of the attorneys.
10. the ' undesirability" of the case.
11. The nature and length of the professional relationship with the Court.
12. Awards in simular cases.
Id at 717 -19

Decisions subsequent to the Johnson case have provided the Court with guidance as to the exact order in which it should consider these factors First, the Court must ascertain the nature and extent of the services supplied by the attorney. Matter of First Colonial Corp. v America 544, F 2d 1291. 1299,(5th Cir)

cert denied, 431 U.S. 904 (1977). If the Court finds the number of hours excessive, it must identify the hours disallowed and explain the reasons why the hours are being disallowed, Second, the Court must determine the value of the services rendered according to the customary charges in the area and the quality of the work produced. Fitzpatrick v. Internal Revenue Service 665 F 2d 327 332 (11th Cir 1982) , When the Court has completed these two steps, it will have arrived at a nominal or " lodestar" fee. Id; Dowdell v City of Apopka, Fla. 521 F Supp.297, 299 (MD. Fla). Upon arriving at this nominal or " lodestar" fee, the Court must then consider the re-

maining Johnson factors appropriate to the case and articulate how each of the factors affects the final compensation. Cooper Liquor Inc. v Aldoph Coors Co. 624 F 2d 575, 583, (5th Cir. 1980) With this formula in mind, the Court turns to the

A. Extent and value of service rendered.

Marshall Wood, counsel for Defandants Craig Marsh, The School Board of Nassau County, and the law firm of Marks, Gray, Conroy and Gibbs, claims an award of $1,762.50 based on 23.5 hours. This computes to a fee of $75 per hour.

James Peters and Jason Vail counsel for Defendant Mulligan , claim awards

of $1,190.00 and $1,062.50 respectively. based on 11.9 and 12.5 hours. They each assert a billing of $100 and $85 per hour respectively.

Harold Wahl along with Mitchel Woodlief and Carol McDonald, counsel for Defendants Cook, Mastroianni, and Channel 12 WTLV, claims an award of $5,511.44.

Plaintiff challenges the number of hours claimed by Mr. Wahl, alleging improprieties in Wahl's relationship with various state court personnel. The Court finds Plaintiff's allegations to be without foundation and to be nothing more than unsubstantiated insinuations, typical of Barrow's offensive litigation tactics. Thus upon careful review of the submitted

time sheets, the requested number of hours as follows is deemed reasonable.

Marshall Wood	23.5 hours
James Peters	11.9 Hours
Jason Vail	12.5 hours
Harold Wahl	28.2 hours
Mitchel Woodlief	9.8 hours
Carol Mc Donald	1.5 hours

Plaintiff does not contest the hourly ,rates claimed. The hourly fees requested range from a low $70 to a high of $150. Mr Wahl is a distinguished member of the Bar who has been practicing for over fifty years. Based on this Court's knowledge of the customary hourly charges in this District, the court finds the value of the service rendered to be in accordance with the requested hourly rates. The Court

therefore finds the respective hourly rates as follows reasonable.

Marshall Wood	$75 per hour
James Peters	$100 per hour.
Jason Vail	$85 per hour
Harold Wahl	$150 per hour
Carol Mc Donald	$75 per hour
Mitchel Woodlief	$70 per hour

B. Johnson Factors

This Court in following the guide-lines set out in Johnson v Georgia Highway Express Inc. supra, makes the following additional findings.

1. Time and labor required. Plaintiff's excessive unorthordox and indecipher-able pleadings forced counsel for the Defendants to expend greater than average amount of time and labor translating Plaintiff's pleadings into an inteligible format to which a res-ponse could be made. As held above

the Court finds the hours expended in defense of this case to be reasonable.

2. Novelity and difficulty of the Questions The case presented no noval or difficult legal questions. However, Plaintiff's unwillingness to articulate the facts on which he was basing his claim often presented perplexing and confusing factual allegations, thereby increasing the time and labor expended in defense of the case. No increase in the lodrstar figure should be made for this factor. Haines v Lerner supra,.

3. Skill requisite to perform legal services properly

The attorneys demonistrated adequate skills, commensurate with the skills and abilities of other competent Counsel who regularly practice before

this Court. Each attorney filed the appropriate motions at the appropriate times and adequately briefed the Court on the relevant law.

4. Preclusions of other employment Cousel for the Defendants has not asserted that the defense of this case precluded other employment. Accordingly no increase to the lodestar figure should be made.

5. Customary fee. The fees requested are not excessive or unusual and are, as discussed above, customary and usual for this type of case in this District,

6. Fixed or contingent fee This case involved an hourly fixed fee.

7. Time limitations imposed by client or circumstances.

No apparent time limitations were imposed by the clients or the circumstances.

8. Amount involved and the result obtained

Counsel obtained the results sought; dismissal of the case prior to trial, and relief from the immediate harassment of the suit,

9. Experience, ability and reputation of the attorney

Counsel demonstrated adequate ability and experience in accordance with the requested hourly rate. This Court is unaware of any deficiency in ability or reputation that would reduce the lodestar figure.

10. Undesirability of the case. It is apparent from the nature of Barrow's litigation tactics that the defense of a case of this sort is inherently

undesirable. The clients in this case were victims of extended harassment which unfortunately, is the price citizens must pay if all are to have access to a civil ized forum for the resolution of disputes. Barrow's pleadings are impenertable thickets of obscurity and a source of flustration for any attorney who must decode them in order to defend a client. However, in recognition of Plaintiff's pro se status, Haines v Kerner supra, no augmentation of the award should be made because of this factor.

11. Nature and length of relationship with client.

The court has no knowledge of the attorney's professional relationship with the client.

12. Awards in simulas cases.The requests for fees in this case are in accordance with awards made in simular cases. Jason Vail , Marshall Wood, and Harold Wahl attended the hearing on the Motions for attorney fees. James A Peters Mitchel Woodlief and Carol McDonald did not attend. For the purose of that hearing a number of Barrow's cases were noticed for the same day out of concern for judicial economy. However, each case was called individually and Barrow was given the opportunity to question each of the attorneys in accordance with Johnson v. Georgia Highway Express Inc. supra. This Court afforded Barrow one- and one-half hours to question the attorneys and to present evidence. During this hearing the Court instructed Barrow on the

relevant factors, as enumerated in Johnson v Georgia Highway Inc. supra, and advised him that these were factors the court would consider in its deliberation on the Motions for attorney's fees. Barrow presented no relevant evidence nor did he question the attorney's on any of the Johnson factors. Instead, he spent the one and one-half hours afforded him attempting to impeach the affidavits of the attorneys by arguing that none of the attorneys had explicity sworn under oath that he or she was telling the truth, This Court notes that each of the affidavits attacked in this manner was sworn to before a notary public by an officer of this Court. Such an affidavit carries a presumption of truth and Barrow's

frivoloue attack on these documents is without merit. Accordingly, Motions for attorney fees for Jason Vail , Marshall Wood, and H.B. Wahl shall be increased by one- and one-half hours to reflect the time expended in attendance at this hearing.[1]

---

1 This is based on the hearing that took place on June 2,1987, and does not duplicate time allowance granted to Wahl in Case No. 84-104-Civ-J-10 and Vail in Case No. 84-412-Civ-J-10, for time spent at the hearing which took place on October 16, 1078.

The follwing awards are appropriate:

James A Peters 11.9 hours at $110
per hour ---------- $1,190.00
Jason Vail 14 hours at $85
per hour ---------- $1,90.00
Marshall Wood 25 hours at $75
per hour ----------$1.875.00

Harold Wahl 29 hours at $150
per hour ---------- 4,455.00
Carol McDonald 1.5 hours at $75
per hour 112.50

Mitchel Woodlief 9.8 hours at $70 per hour ----------$686.00

Costs $131.33

Total $5,384.83

RECOMMENDATION[2]

The Motion for attorney's fees be GRANTED in accordance with this opinion.

DONE AND ORDERED at Jacksonville, Fla. this 12st day of April 1988.

/s/ Harvey E Schlesinger
United States Magistrate

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2 Any party may file and serve objection hereto within ten(10) days after service of this opinion. Failure to do so shall bar the party from a denovo determination by a district judge of an issue covered herein and from attacking factual findings on appeal. See 28 U.S.C. § 636 ; Thomas v Arn 106 S Ct 466 (1986) Nettles v Wainwright 677, F 2d 404 (en banc)(5th Cir Unit B 1982) Rule 72 (b) Fed. Rules of Civ. Procedure; and local Rule 6.02

Copies to:

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Chief Judge

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Callahan, Fl. 32011

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920 Barnett Bank Building
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Jason Vail Esquire
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James A Peters Esquire
Assistant Attorney General
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Marshal E Wood Esquire
Post Office Box P
Fernandina Beach, Fl 32034

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville, Division

JOHN G. BARROW JR

Plaintiff

-vs- Case No. 84-589-Civ-J-10

JAMES HARRISON
et al

****

PLAINTIFF'S OBJECTION TO THE REPORT AND RECOMMENDATION AND THE DISTRICT COURT'S ASSISSINATION OF PLAINTIFF'S CONSTITUTIONAL RIGHTS PROMULGATED BY COLLUSION TO EXTORTION AND R.I.C.O. ACTS OF FELONY UPON THE PERSON OF JOHN G. BARROW JR WITH CO-CONSPIRATORS MEMBERS OF THE BAR ASSOCIATION.

##########

The above styled action has resulted in a Spin-Off of A Wheel Within A Wheel Collusion.

This is best understood by realizing that this Wheel of the "WHEEL

WITHIN A WHEEL COLLUSION" has as its CENTRAL FIGURES not one Character but three Central Figures. They are the Notorious Harvey E Schlesinger, William Terrell Hodges and Harold B.(Judge handling) Wahl.

THE AGREEMENT

1) Harold B Wahl for 35 years litigated Barrow, harassed Barrow and as illegal prosecutor had Barrow thrown in jail without Bond,so as to prevent Barrow from receiving any legal assistance and under very inhumaine conditions for 30 days and nights.

2) The ever so Cunning and Mischivious Henchman of the U.S. District Court, Harvey E Schlesinger has for years carried Judge Hodges dirty stick while none of the Reports and

Recommendations have any bearing on the facts of each case, or the merits or any hearing upon adjudication of the issues that have arisen.

In Edwards v E.I. DuPont De. Memours 183 F 2d 165;

The 5th Circuit holds ;

" The plaintiff may elect to make his action joint or several, and no defendant can take away such right of election or remedies after it has been exercised"

" A defendant cannot elect to make several a joint or several cause of action that the Plaintiff has elected to make joint or seperate"

" It cannot deprive the plaintiff of his right to prosecute his suit to final determination in his own way. The subject matter of the controversy is whatever the plaintiff in good faith declares it to be in his pleadings. Not by conclusions of law but by well pleaded allegations of fact"

In Fair Appt. v Kholer Die and Speciality co. 33 S Ct 401;

The United States Supreme court holds:

" Of course the party who brings suit is MASTER TO DECIDE what law he will rely upon, and therefore does determine whether he will bring a " suit arising under" the Constitution of the United States or other laws of the United States by his declaration or bill"

On the 5th day of April, 1985 one William Terrell Hodges did Consolidate all ,of plaintiff's cases and did cut off plaintiff's access to court.

tying his lynchmans knot even tighter

on August 15, 1985. Judge Hodges was

motivated by a scheme.

* * This plan for all cases consolidation, was a venture of most of the 50 odd attorneys and the District Court. Middle District and the Northern District of Florida, to completely annihilate Pliantiff's Constitutional rights.

* * Anyone attempting to Ride Two

Horses at one time, will sooner or

later fall down in between them.

* * The Conspirators were sure that Plaintiff would fall down between 20 consolidated cases. Who can possibly carry 20 Notices of 20 cases or one notice of 20 cases, opposing the District Court including Judge Hodges and Harvey E Schlesinger,all gommed up all into one Case ? This amounts to no case at all.

Then too-- this illegal act so repugnant to all decency, and Edwards v DuPont and Fair Appt v Kholar Die and Specialty Co above has a much more fendish and evil motovation, in the way of payoff, of wide spread usury, permenent taking, to divide the spolis.

* * To participate in this venture Hodges did by allying with Wahl and

Schlesinger inject overt acts of a Gang Land nature, financed by such interstate enterprises as the American Telephone and Telegraph Company and their ever so Deep Pockets.

* * The Interstate Florida Power and Light Company, the interstate Haverty Furniture Company, all of the spokes to the Wahl and Hodges Wheel" have very Deep Pockets and Florida Statute 877.01(4) to make every thing as to splitting of fees legal.

One of the spokes of the " Wheel of " Judge Handling Wahl" was Lawrence Page Haddock . Then the other Spoke was added to the " Judge handling Wahl Wheel" was Susan Black, all with a stake in the outcome of the Judge's

promulgating their various immunities for each other and the combined force of the 50 odd attorneys representing the various cases, consolidated, amalgrated by Hodges and blended by Schlesinger all of their injuries to this Plaintiff's constitutional rights were ever so easely consummated, so high ly effective so easily accomplished.

THE HARRISON WHEEL

* * * The Central figure in the Harrison , wheel, is one Craig Marsh, one of the Spokes who directed and orchestrated every minute, technical aspect of the Harrison Kangaroo Court, getting all of his instrictions from Judge Weatherford's office. Weatherford another spoke to the Harrison Wheel is brother-in-law to Craig Marsh. And at the time County

Judge and a renound political figure.

* * After Judge Harrison denied the right to remove an admitted prejudiced juror, and Harrison did harass and threaten Barrow, clean out of the Courtroom, then he Harrison did award one Bad Check, which could not be cashed at any Bank, in the Condemnation Case.

* * It is for the above reasons that Conspirator Schlesinger submitts his ever so foolish Reports and Recommendations and does inject in this action all of the following cases:

84-64-Civ-Magistrate, the Scott case that has no relevancy to Harrison.
84-104-Civ-Magistrate, the A.T &T. case that has no relevancy to Harrison.
84-135-Civ-Magistrate, the Hill Case that has no relevancy to Harrison.
84-191-Civ-Magistrate, the Baker Case that has no relevancy to Harrison.

84-192- Civ.Magistrate, the Douglas case that has no relevancy to Harrison.
84-412 Civ-Magistrate, the Bird case that has no relevancy to Harrison.
84-414-Civ-Magistrate, the Hood case that has no relevancy to Harrison
84-437 Civ-Magistrate, the Hawkins case that has no relevancy to Harrison.
84-456-Civ-Magistrate the Haverty Case that has no relevancy to Harrison.
84-588-Civ-Magistrate the Greeson Case that has no relevancy to Harrison.
84-590-Civ-the D.A.C. Case that has no relevancy to Harrison.
84-981-Civ-Magistrate the F.H.A. Case that has no relevancy to Harrison.
84-982-Civ-Magistrate, the Jack Reed Case that has no relevancy to Harrison.
84-Civ-Nagistrate the wahl case that has no relevancy to Harrison.
85-91-Civ-Magistrate the Wakler case that has no relevancy to Harrison.
85-Civ-Magistraet the Markle Case that has no relevancy to Harrison.
85-287- Civ-Magistrate the Bishop case that has no relevancy to Harrison.

The injection of these cases can be for no other purpose except that of coercion and to impose combine power of all of the conspirators to commit injury upon the person of Barrow, and that

of an out and out scheme of extortion for $150,000.00 criminal contempt.

* * As if totally insane Harvey E Schlesinger has come up with " res judicata" because of the case of Barrow v Graham 82-366-Civ-Magistrate, which was VOID because of having no hearing and no evidence was without Due Porocees of law The parties before Judge Melton were behind the Black Curtain if there was in fact anyone before him.

* * Harvey E Schlesinger's Tax Injunction Scam which Schlesinger admittes does not apply,NO TAXES envolved in any Complaint.

This makes Judge Hodges decision V O I D and for sanctions, that is fools talk. When the date on the

docket: was Bad faith established ?

Sanctions are punishment for CRIMINAL CONTEMPT. This cannot be extorted without trial by jury, to determine any resemblance of bad-faith and a trial by jury as related to the appropraiteness of the sanctions.

Harvey E Schlesinger's Kangaroo Court of all these cases consolidated into an illegal orvet act, is only ABUSE OF DISCRETION.

He has refused written evidence. He will not administer justice by the Federal Rules of Civil Procedure.

Harvey E Schlesinger can justify " Pie in the Sky" for the defendants, all of whom he so ardently defends. All the defendants are Saints in Schlesinger's eyes No matter what might be said and regard-

less of any citations from any Court Judge Hodges will blindly adopt every Ton of Garbage of Schlesinger's ,In no way related to any part of the Plaintiff's allegations or the Civil Rules of Procedure or the Constitution, that both Schlesinger and Hodges swore to unhold !

Wherefore, this Victim of the District Court and their Deep Pocket co-horts is without any chance of relief of any kind or nature., in a R.I.C.O. caper like a competent court has never seen.

* * These conspirators do not even know the meaning of " The Equal Protection Clause" of the Constitution of these United States or " The due process Clause of the United States Constitution"

* * This District Court is not a Court of Competent jurisdiction, biased, prejudiced and filled with enmity for pro se persons.

* * This Court without a doubt will never provide for any relief to this Plaintiff. Without a F.S. 877.01(4) fee splitter.

* * This Court is as biased and prejudiced as it can be, providing judicial administration for Members of the Bar ONLY !

All of whom have steadfastly refused to be retained by this Plaintiff.

* * , Harold B (Judge handling) Wahl is the element MOST common to all of This " WHEELS WITHIN A WHEEL CONSPIRACY" As proof see Wahl's affidavit

and ungodly costs for criminal contempt, with its various Wheels.All have a knowledge of the various ventures, all have a stake in the outcome to devide the spoils All threaten the Contitutional Rights of the Plaintiff, though each of the conspirators have simular illegal objects , none depends on the other, but are aided by the complete destruction of the Plaintiff's creditability.

In United States v Perez; 489 F 2d 60 (5th Cir 1973) ;

" These facts led the court to speak in terms of a " Wheel Conspiracy" in which one person , the "hub" of the wheel was accused of conspiring with several others, the " spokes" of the wheel . . As we explained in the United States v Levine, 546, F 2d 658 663 (5th Cir 1977).

For a (single) wheel conspiracy to exist those people who form the wheel's spokes must have been aware of each

other and must do something in furtherance of some single, illegal enterprise. Otherwise the comspiracy lacks" the rim of the wheel to enclose the spokes" If there is not some interaction between those conspirators who form the spokes of the wheel as to at least one common illegal object, the " Wheel" is incomplete, and two conspiracies rather than one are charged.

The realistic view of group crime which inspired Congress to enact RICO should also guide the courts in construing RICO. Thus, in this case, we are satisified that the evidence,circumstantial and indirect though it largely was proved,the existence of both an enterprise committed to profiting from (sanctions for criminal contempt) not by law, but by an out and out scheme to extort by force of the court,to make the rich attorneys richer and other criminal activity and an agreement (among 55 of the Defendants) to participate in the affairs of the enterprise through a pattern of racketeering activity

Now we arrive at a Final element to be weighed. This is the Public interest. In each of the Plaintiff's cases the Court is invited to con-

sider who the Plaintiff is-? Just because this Plaintiff is poor and cannot find an attorney willing and able to fight this Plaintiff's Cause and just because of plaintiff's being looked down upon because of having Indian Blood on both parents sides of the family, gives no justificat - ion to completely deny this Plaintiff of both or either " Due Process of Law" and " Equal Protection of the law" as afforded Pure Anglo Saxon parties. Public Interest is indisputable at least enough to provide for a trial of the Issues, being submitted to a jury.

" Persons appearing pro se need not file an appearance"

Persons appearing pro se need not file a Complaint, at any time for

what is the use ?

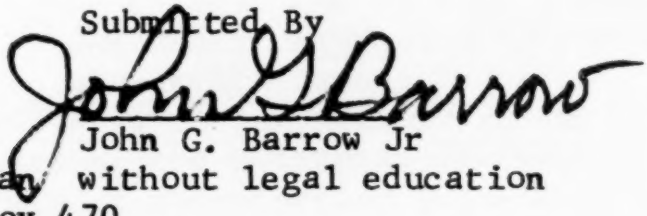
Persons appearing pro se will not receive even one day in Court.

Persons appearing pro se will have no questions adjudicated.

The Magistrate will Get Rid of all Pro se Persons by erroneous allegations in his Reports and Recommendations, after all, any Person appearing pro se is A Second Class Citizen.

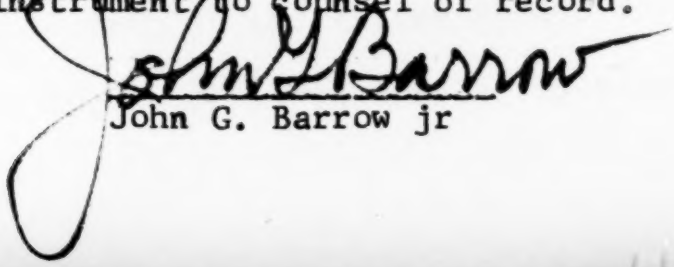
The Courts are for Members of the Bar only

Submitted By



John G. Barrow Jr
A Layman without legal education
Rt 1 Box 470
Callahan, Florida 32011

I Certify this 26th day of April 1988, that I did furnish a true copy of the above instrument to counsel of record.



John G. Barrow jr

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(1)

UNITED STATES COURT OF APPEALS

Eleventh Circuit
56 Forsyth St. N.W.
Atlanta, Georgia 30303
August 29, 1988

Miguel J Cortez
Clerk

Donald M Cinnamond
U.S. District Court
311 W Monroe
Room 110
Jacksonville, Florida 32201

No. 88-3456 Barrow v Harrison et.al.
D.C. # 84-589-Civ-J-14

Dear Sir:

Enclosed is a certified copy of this court's Order which dismisses the above referenced appeal as frivolous and the determination of reasonable attorney's fees to be determined by your court. This is issued as and for the Mandate.

Returned herewith is the original record on appeal which consists of two (2) volumes.

Please acknowledge receipt on the enclosed copy of this letter.

Sincerely,

MIGUEL J. CORTEZ, Clerk

By Debbie Cordell
Deputy Clerk

enc/dc

CC: John G. Barrow
Marshall E Wood
Jason Vail AAG Tallahassee
J Carol McDonald

(1-B)
IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 88-3456

Filed US. Court of Appeals
Eleventh Circuit
Aug 29 1988
Miguel J Cortez
Clerk

John G. Barrow Jr

Plaintiff-Appellant

versus

James Harrison, Marks
Gray, Conroy and Gibbs
Nassau County School
Board et.al.

Defendants- Appellees

- - - - - - - - - - - - - - - - - -
Appeal from the United States District Court for the Middle District
Of Florida

- -

Before RONEY, Chief Judge, FAY and

VANCE, Circuit Court

BY THE COURT

Appellees' motion to strike appellant's brief is Granted

Appellees' motion to dismiss as frivolous is Granted.

Appellees' motion to award attorney's fees and costs is Granted.

The case is remanded to the Distrcit Court for a determination of the amount of reasonable attorney's fees incurred by Appellees in connection with the appeal.

CLERK CIRCUIT C IRT
NASSAU COUNTY, F JRIDA
COURT REGISTRY ACCOUNT

102

12-14 19 83

63-5
630 13

PAY TO THE ORDER OF John G. Barrow and Allen Goodbee $ 250.00

Two hundred fifty and no/100 ---------- DOLLARS

Florida National Bank
Fernandina Beach, Florida 13

FOR Case # 81-113-CA

⑈000102⑈ ⑆063000050⑆ 01⑆0000299⑈

(23)

REFERENCE TO OFFICIAL OR UN-OFFICIAL REPORTS OF ANY OPINION.

1) There has been no court, so there can be no opinion delivered in court. All decisions have been made on the Decisionmakers own say-so and without any opportunity to be heard and no evidence or reason relied upon in making such decisions without any due process of law.

The only supporting opinion is that of John E. Lawlor III Assistant United States Attorney, Jacksonville, Florida.

To Quote John E Lawlor III from his Brief for Appellee in the 11th Circuit dated the 21st day of October, 1986.

1) " The orter entered by Judge Hodges on August 15th, 1984, MERELY adopts the (ERRONEOUS) recommendations of the Magistrate"

2) " An order simular to the one appealed from MERELY adopts the Magistrates recommendations does not * * *"

3) " The trial court's determination of "bad-faith" was based on a history of vexatious litigation pre-dating the bringing of the present action and for their determination by the court that the matter should be dismissed, because of the case being subject to defenses of res judicata"

4) " This was not a case of bad-faith arising during the course of litigation"

5) " If res judicata determination is reversed the determination of bad-faith is affected"

6) " And if the determination that the plaintiff acted in bad-faith is reversed this may have an impact upon the question of resjudicata"

) " First as a practical matter, if this court were to reverse the case on the merits this would necessarily have an impact upon the question of

whether the plaintiff was acting in bad faith"

8) Accordingly, it is respectfully submitted that if this court undertakes jurisdiction of this cause it then has jurisdiction TO REVIEW THE ENTIRE CASE, including the determination of whether or not the plaintiff is liable for the attorney fees as a results of his alleged bad-faith"

In Westmoreland v CBS. Inc 770, F 2d 1168, (D.C.) 1985; In re TCI 769 F @d 441 7 Cir 1985; In Davis v McGraw-Wilson Co 765 F 2d 494 (5th Cir 1985) ; In Fast-way Const. Corp v City of New York, 762, F 2d 243, (2 Cir 1985) In Elloit v Perez, 751, F 2d 1472; Schwartzer Sanctions Under the New Federal Rule 11-A. A Closer look 104 F.R.D. (1985) These Courts hold:

" Subjective bad-faith is no longer a predicate to a Rule 11 Violation, the test is now an objective one of reasonableness"

In Jones v Bales 58 F.R.D. 453 (N.D.) 1972 aff'd 480 F 2d 805 (5th cir 1978)

" Pro se litigants are not subject to unusual incetives against filing repetirive frivolous or malicious lawsuits. They are immune from imposition or costs If they are un-successful and because of their poverty they are parctically immune from later tort actions"

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville, Florida

May 10, 10;35
Am '88

JOHN G. BARROW JR

Plaintiff,

-vs- Case No. 84-589-Civ-J-10

JAMES HARRISON et al

Defendants

_____/

O R D E R

This matter was referred to the Magistrate for the purpose of conducting supplementary proceesings with respect to F.R.C.P. 11 sanctions and attorney's fees .

The Magistrate conducted a hearing and recommends that attorney's fees and costs be awarded as follows:

That Marshall Wood, counsel for defendants Craig Marsh, The School Board of Nassau Count, and the Law Firm of Marks, Gray, Conroy and Gibbs, be awarded $1,875.00 That James Peters, counsel for defendant Mulligan be awards $1,190.00 That Jason Vail, Counsel for defendant Mulligan be awards $1,062.50; that Harold Wahl Carol Mc Donald and Mitchel Woodlief counsel for Cook, Mastroianni and Channel 12 WTLV be awarded $5,384.83.

The Plaintiff has filed an objection to the report and recommendation of the Magistrate which the Court has duly considered.

Upon due consideration of the report and Recommendation of the Magistrate and upon this Court's own independent

examination of the entire file, the Magistrate's report and recommendation is adopted and confirmed and made a part hereof and IT IS ORDERED:

1. The Clerk is directed to enter FINAL JUDGMENT against the Plaintiff and for the Defendants Craig Marsh, The School Board of Nassau County and the Law Firm of Marks, Gray, Conroy and Gobbs. in the amount of $1875.00 .

2. The Clerk is directed to enter FINAL JUDGMENT against the Plaintiff and for the Defendant Mulligan in the amount of $2,380.00 .

3. The Clerk is directed to enter FINAL JUDGMENT against the Plaintiff and for the defendants Cook, Mastrianni and Channel 12 WTLV in tha Amount of

(30)
$5,384.83.

IT IS SO ORDERED

DONE AND ORDERED at Tampa, Florida this

10th day of May, 1988.

/s/ Wm Terrell Hodges
United States District Judge

Copies to Counsel

UNITED STATES DISTRICT COURT
Middle District of Florida

JOHN G. BARROW JR

Plaintiff

V

JAMES HARRISON, et al.

Defendants,

JUDGMENT IN A CIVIL CASE

Case No. 589-Civ-J-10

Jury verdict. This action before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

It IS ORDERED AND ADJUDGED

That pursuant to the Court's Order entered May 10, 1988, Final Judgment is entered against Plaintiff, John G. Barrow Jr, and in favor of the Defendants, Craig Marsh, The School Board of Nassau County, and the Law Firm of Marks, Gray,

(32)
Conroy and Gibbs in the amount of

$1,875.00

Filed and entered Jun 3
3:51 PM '88
Clerk of District Court
Middle District of Florida
Jacksonville, Fl

Copies to :
John G Barrow Jr
Jason Vail Esq.
Marsahall Wood Esq.
Harold Wahl Esq.

Date June 3, 1988 Clerk Donald M. Cinnamond

/s/ Sandra Cain
Deputy Clerk

UNITED STATES DISTRICT COURT
Middle District of Florida

JOHN G. BARROW JR

Plaintiff,

V JUDGMENT IN CIVIL CASE

JAMES HARRISON et al CASE NO. 84-589
Civ-J-10

Defendants,

Jury Verdict , This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court: This action came to trial or hearing before the court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

that pursuant to the Court's Order

entered May 10.1988 Final Judgment

is entered against Plaintiff, John G.

Barrow Jr, and in favor of Defendants

Cook, Mastroianni and Channel 12 WTLV

in the amount of $5,384.83.

(34)

Filed and Entered Jun 3 3;50 PM '88

Clerk U.S. District Court
Middle District of Florida
Jacksonville, Fl

Copies to:
John G. Barrow Jr
Jason Vail Esq.
Marshall Wood Esq.
Harold Wahl Esq.

Date June 3, 1988 Clerk Donald M. Cinna
mond.

/s/ Snadra Cain
Depyty Clerk

UNITED STATES DISTRICT COURT
Middle District Of Florida

JOHN G. BARROW JR
Plaintiff

JUDGMENT IN CIVIL CASE

V

JAMES HARRISON et al.

Defendants

CASE NUMBER 84-589-Civ-J-10

Jury Verdict. This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

that pursuant to the Court's Orders entered May 10, 1988, and June 2, 1988, respectively, Final Judgment is entered against the Plaintiff, John G. Barrow Jr and in favor of the Defendant James Harrison in the amount of $2,380.00

Filed and entered Jun 3 3:51 PM'88
Clerk of Dist Court
Middle Dist.
Jacksonville, Fl

Copies to:

John Barrow Jr
Jason Vail Esq.
Marshall Wood Esq.
Harold Wahl Esq.

June 3, 1988 — Donald M Cinnamond

Date — Clerk

/s/ Sandra Cain
Deputy Clerk

UNITED STATES DISTRICT COURT

Middle District Of Florida

JOHN G. BARROW JR JUDGMENT IN CIVIL CASE

Plaintiff

V

JAMES HARRISON et.al.

Defendants

CASE NUMBER 84-589-Civ-J-10

Jury Verdict This action came before the court for a jury trial. The isuues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

that pursuant to the Court's Order entered May 10, 1988, Final Judgment is entered against the Plaintiff John G. Barrow Jr, and in favor of the Defendants, Craig Marsh, the School Board of Nassau County

and the law firm of Marks, Gray, Conroy and Gibbs in the amount of $1,875.00.

Filed and entered
Jun 3 3:51 PM '88

Clerk Dist. Court
Middle Dist of Florida
Jacksonville, Florida

Copies To.

John Barrow Jr
Jason Vail Esq
Mrashall Woof Esq
Harold Wahl Esq

June 3, 1988 Donald M. Cinnamond
Date Clerk

/s/ Sandra Cain
Deputy Clerk

UNITED STATES DISTRICT COURT
FOR
THE MIDDLE DISTRICT OF FLORIDA
(Jacksonville Division)

U.S.C.A. 85-3346
D.C. 84-589-Civ-J-10

JOHN G. BARROW Jr

Plaintiff-Appellant

VS

JAMES HARRISON, et al

Defendants- Appellees

****

SECOND AMENDED COMPLAINT
WITH DEMAND FOR A JURY TRIAL WITH
THREE JUDGE DISTRICT COURT REQUESTED

##########

SHORT PLAIN STATEMENT

Plaintiff, Barrow Sues James Harrison as an individual, and the Nassau County School Board, Craig Marsh as an individual, Marks, Gray, Conroy and Gibbs, Ernie Manstrianni, Laura Cook, Channel 12 WTLV Howard Kelley for relief because of their

a) Unlawful taking of plaintiff's property in an unconstitutional manner, without full and just compensation.

b) Joining in conspiracy incubated to unlawfully take plaintiff's property in an unconstitutional manner is, Laura Cook Channel 12 WTLV/ Howard Kelley, and Ernie Mastroianni, who have deprived Plaintiff of his Right To Privacy and libeled his good name so as to provide adverse pre-trial publicity so as to cause a Fair trial to be impossible. U.S.C.A. Const 6 6494 .

c) The impairing of obligation of contract of purchase in the Eminent Domain Proceedings for the taking of Plaintiff's property by Force and Coercion without full and just compensation.

d) The deprivation of protection of the law equal to that afforded others.

e) The deprivation of all of the essential fundamentals of procedural due process of law.f) Conspiracy to injure, and to oppress this plaintiff, a Citizen in his , Free Exercise and Enjoyment of any and all right and privileges secured to him by the Constitution and/or the laws of the United States and the Constitution of Florida.

This Plaintiff does invoke the Constitution of these United States and the Constitution of Florida.

JURISDICTION

R.S. § 1979
28 U.S.C.§ 1343
28 U.S.C.A. § 1343
Amends 4,14
S.H.A. 111 Const Art 2 S6
28 U.S.C. 2680 (c)
28 U.S.C. 2680 (h)
28 U.S.C. 1346 just comp.
§ 1871
28 U.S.C. § 541 (1)
28 U.S.C. 1337
42 U.S.C.A. § 1983

42 U.S.C. § 1983
18 U.S.C. § 242
18 U.S.C.A. 242
28 U.S.C.A. § 1331
42 U.S.C. § 1403
§ 20 and 1871 Civ. Rights.
§ 19
42 U.S.C.A. § 1985 (3)
Amends V / XIV Due Process

Adverse , Pre-trial publicity fair trial impossible U.S.C.A. Const. A 6 6494

§ 20 Jury to hear,so as to Ponder

" State Action"

F A C T S

1) In 1975 the Nassau County School Board caused to be built the Hilliard Elementary School and Bus Shop, in a area Northwest of the Town of Hilliard Florida.

2) The Godfathers Took, Seized and/or Confiscated — — — every one's land in the area without any regards for the rights of any owners of property rights and did trespass by occupation

of the lands like that of a Wild Mob of Wild Indians.

3) They were also not concerned with the vested rights or other encumbrances of anyone in the lands, effected thereby especially at the time of taking, however, In May and June of 1980, A legal Adv. Appeared in a Local News Print advising of Condemnation Proceedings in Case No. 80-241-CA.

4) Plaintiff did notify by Certified Mail both D.O. Oxley, Clerk of the Court of Nassau County and the Law Firm of Marks, Gray, Conroy and Gibbs, of Plaintiff's vested right in the lots on which the School Board has seized and after five years of trespass by the School Board were now in the process of Condemnation proceedings of Lots

21 and 22 Blk 90 Lot 8 Blk 101 etal.

5) Plaintiff was not notified by any other proceedings and it is obvious that the Lots were taken without " Full and Just Compensation" to this Plaintiff for the loans that this plaintiff had made to the Town of Hilliard with the Lot in question having been given as security to assure the loan made by the Plaintiff to Hilliard and later by the Act of the Legislature absorbed by the State of Florida and County of Nassau. See Florida Statute 197.356.

6) Then at 12:20 P.M. on March 9th,1981 this Plaintiff was served with a Summons to show cause Notice of Eminent Domain Proceedings on Lot 20 Blk 101 and Lot 4 Blk 189. Town of Hilliard,Florida.

7) Lot 4 Blk. 189 was owned by Allen Godbee of Fernandina Beach, Florida Even though it was only a wooded lot, with no clearing and no improvements the stamps on the Deed of Conveyance from Godbee to the School Board revealed that at least $900.00 was paid to Godbee for Lot 4 Blk. 189.
This left only Lot 20 Blk 101 and this Plaintiff in the Eminent Domain Proceedings as Godbee was no longer a party.

8) This plaintiff was never offered one thin dime before the day of the alleged hearing.

9) Plaintiff had acquiesced in the occupation of the land and the portion of the School Bus Shop and did notify the Nassau County School

Board of their obligation to pay $200 per month rent for " Use and Occupation" of same.

10) This Action is not an appeal of State Action. There is no possibility of redress for this plaintiff in State Court. THIS IS A CIVIL RIGHTS ACTION.

11) In Monroe v Pape, 81 S Ct 473, The Court Holds:

" Section 1979 should be read against the background of tort liability. That make a man responsible for the natural consequences of his actions"

" The third aim was to prove a Federal Remedy where the State Remedy though adequate in theory was not available in practice"

Federal Jurisdiction is aserted under R.S. § 1979. and 28 U.S.C. § 1343 and 28 U.S.C. 1331, 28 U.S.C.A § 1331 and others listed above.

12) The first smack of conspiracy was

at the time of the first Eminent Domain Proceeding mentioned above.

13) The second smack of conspiracy was that of Harrison's dismissal of Barrow's Amended Complaint.

14) The Collusion became more and more obvious as the Kangaroo Court proceeded.

15) At the time of the selection of the jury this Orator knew that the Hand Writing was on the wall ---- this was a Stacked deck ! A Flim-flam the ever presence of F.S. 877.01 (4) effervesced !

16) The Jury, admitted to their prejudices because of the Kenon assassination of Barrow's reputation by the News Media,T.V. News and the State Officials, and other street talk.

17) Barrow was allowed to purge two bias jurors with prejudice however, James Harrison would make no provisions for the removal of Not One More Prejudicial Juror. Harrison ruled that the prejudice was " Not cause for removal . Harrison ruled that the prejudice was " not cause for removal" Harrison,Gibbs and Barrow all lnew that Barrow did not even have a Prayer, resembling Justice .
Not a China Mans Chance !

18) James Harrison and Gibbs held their Kangaroo Court, orchestrated by Craig Marsh, School Superintendent.

19) Plaintiff's witness was disqualified by Gibbs, Harrison would allow Plaintiff witness to testify, but would not qualify

Therefore, Plaintiff had no witness. The ever presence of F.S. 877.01(4) rhapsodized.

20) Plaintiff objected to Craig Mrash being a witness, sitting in and orchestratingall hearings,. For this, Harrison coreced this Plaintiff with threat of Contempt.

This Plaintiff alleged that Gibbs instruction to the jury were unconscionable. For this, James Harrison again coerced this Plaintiff with threat of Contempt. The ever presence of F.S. 877.01(4) effervesced !

21) The Black Deputy was sitting in, awaiting Harrison's orders to take Plaintiff away again, to the Federal Detention Prison in Yulee.

22) The hand writing was on the wall

this plaintiff knew there would be NO JUSTICE in Harrison's Court. That false arrest was evident and eminent.

23) Harrison announced that no Compensation would be discussed before the jury. (who was then in wait) except for the land.

24) The Florida STatute requires that Rent SHALL BE CONSIDERED.

There was the interest from the day of taking until the day of judgment. There was $250.00 submitted for legal Secretarial Services. Harrison denied same. The value of the Building was not allowed under Harrison's Orders. There was not even a Smack of Justice remaining. The ever presence of F.S. 877.01(4) was efferescing !

25) Wherefore this Plaintiff announced. that he would leave the

courthouse absent another threat of contempt by James Harrison.

Harrison agreed Gleefully ! The eyes of the Co-hort Marsh Glittered !

26) The jury heard no testimony of the Defendant or any Witness for Defendant.

27) With no Defendant present at the Kangaroo Hearing and no one to represent Defendant (this plaintiff) the Court continued.

28) It is alleged that the Verdict of the Jury was $250.00 as just and full Compensation for this Plaintiff.

29) Land (see Godbee lot $900.00)

— — — — — — - $900 plus

30) Legal Secretary Services $250

31) Rent of $200 per month for use and occupation — — - - $7200.00

plus interest accuring month to month from date due to date paid to this plaintiff.

32) Improvements on land ----- $7200.00 Plus full and just compensation $15550.00

33) A check No. 102 dated 12/14/83 for $250 made payable to John G Barrow AND ALLEN GODBEE, a stranger to this plaintiff was mailed to consummate the $15550 .00 full and just compensation, due this Plaintiff.

34) A collusion was ever so obvious. Look at a parcel of land the same as Allen Godbee's, plus clearing, plus improvements, plus appreciation, plus rent month to month for use and occupation @ $200 due until date paid and $250 legal secretarial fees and all consummated for a WORTHLESS CHECK NO. 102 for

consummating $15550.00 .

Is this what the United States Supreme Court meant ?

In West Chicago Park Com'rs v Boal 83 N.E. 824 232 111, 248 ;

The Court held:

" The fair cash value in the market of the leasehold interest and the BUILDING on the various lots at the date of filing petition"

In U.S. ex rel Tennassee Val Authority v Indian Creek Marble Co. D.C. Tenn 40 F Supp 811 819

The Court Holds:

" Same market value as that which he had prior to the taking and the theory of " Compensation" revolves around the idea of willingness to sell under no complusion and wollingness and ability to but, but with No Coercive Need "

In National City Bank of N.Y. v U.S. 275, F 855,859;

The Court Holds

" The market must be a FREE MARKET as prices prevailing in a Market NOT FREE are NOT the measure of Compensation"

In State ex rel Board of Regents for

Central Mo State College,v Moriarty App 361 S.W. 2d 133 135;

The Court Holds:

" WHEN offered for sale and purchased by one willing"

In re Armory State in Kansas city, Mo 282 S.W. 2d 464 470;

The Court Holds:

" What a reasonable buyer willing but not compelled to purchase land would take therefor"

In City of Chicago v Giedralits 150 N.E. 2d 577, 579, 14 111, 2d 45;

The Court holds: " For its highest and best use"

In Donaldson v City of Bismark,3 N.W. 2d 808 018, 71, N.D. 592'

The Court Holds;

" Damages recoverable as just compensation by owner of property that had been taken or damaged in violation of the Constitution includes such additional amount beyond value of the property at the amount of the damage to property"

In Williams Land Co. v U.S. 31 F Supp 154 159 90 S Ct 499;

The Court Holds:

" Interest upon condemnation award is payable as a part of 'just compensation' whether or not it is authorized by statute"

35) This Plaintiff did not waive

ANYTHING.

This Plaintiff when he left Harrison's

Kangaroo Court was in flight for his

freedom and very possibly running

for his life !

Hate feeds on itself.

If in fact it is true that the ver-

dict of the jury of the Kangaroo

Court was not $250 to be divided

between Godbee (who had no interest what so ever in the property being condemned) and this plaintiff then it is ever so conclusive that the $250 award was so grossly disaportionate to any resemblance of " Full and Just Compensation", reasonably warrented by facts as to raise immediate presumption of passion, prejudice, or corruption by F.S. 877.01(4). ACT ONE HAS NOT ENDED HOWEVER.; Like a Three Ring Circus.

ACT TWO BEGINS

36) Channel 12 WTLV , wanted part of the Action:

On the 25th day of June A.D. 1984 One Laura Cook by phone requested an interview. This was not granted.

37) Plaintiff explained that he would not be available.Laura Cook was stalled.

38) She insisted on calling back on the morning of the 26th of June and again she was denied a personal interview. The denial of the personal interview made no difference whatsoever ! Before 1:00 P.M. Laura Cook was ramming and framming on Barrow's front door.

39) Mean while her co-hort Camera Man was also invading the privacy of the Barrow family by taking pictures. There is nothing newsworthy of how low down into the bottomless pits of poverty the State Officials and the News Media has succeeded in driving the Barrow Family's standard of living . It was obvious that the picture taking was for the purpose of Smear and Smutt.

40) Then on the 6 P.M. News Channel 12 WTLV came Ernie Mastroianni's Bomb Blast of plaintiff's reputation.

41) Ernie Mastronianni's Massacure of Barrow's reputation begins Quote: " Rember John Barrow, the fellow that evicted the Colored Couple in Quincy the fellow that buys tax certificates"

42) Mastronianni's and Channel 12 WTLV was served by Certified Mail # P-651-872-683 " Demand for retraction and Apology" The date of the delivery is attested to by the return receipt post marked June 29,A.D. 1984, To this date there has been no Notice of Retraction no response of any kind or nature, only a continued acquiescence.

43) Channel 12 WTLV should be given an opportunity to prove their Char-

acter Assassination, eviction of the colored couple" to supply the Case Number and the date of filing of the case of the " Eviction of the Colored Couple"

44) Channel 12 WTLV is not only wreckless with the truth and the reputation that they murder, they are also negligent to ascertain the truth, while merchandising their Smut and Smears.

45) The Group of State Officials and the News Media are to be compared to the Head of an Octopus.At different times it associated with itself the other defendant (the arms of the Octopus) whose co-coperation was of different kinds, but always was in furtherance of the single

conspiracy. The arms might not help or be associated with each other but were always attached to and indeavered to forward the purpose of the head.

46) The intent of the Conspirators are to erroneously picture Barrow (who is forced to live in lower levels of poverty) as a wealthy individual who takes advantage of and unjustly forecloses on the poor, thereby making a Class Appeal and Branding Barrow as a Villan and Heartless.

47) Broadcasting SUCH ROT into the homes has a devistating effect on the public opinion of all prospective jurors culminating in a Shot Gun Blast of tampering with the jurors minds before they are

selected.

I S S U E S

1) Whether or not; in 1975, the Nassau County School Board caused to be built the Hilliard Elementary School Bus Shop in an area Northwest of the Town of Hilliard, Florida. ?

2) Whether or not: The Godfathers Took, Seized and/or confiscated any and every one's land in the area without any regards for the rights of the owners of property rights and did trespass by occupation of the lands like that of a Wild Mob of Wild Indians ?

3) Whether or not; They were also not concerned with the vested rights or other encumbrances of anyone in the lands effected thereby, especially at the time of taking. However, in

May and June of 1980, A legal Adv. appeared in a Local News Print advertising of Condemnation Proceedings in Case No. 80-241-Ca.

4) Whether or Not: Plaintiff did notify by Certified Mail, both D.O. Oxley Clerk of the Court of Nassau County and the Law Firm of Marks, Gray, Conroy and Gibbs of Plaintiff's vested rights in the Lots on which the School Board has seized and after five years of trespass by the School Board were now in the process of Condemnation proceedings of Lots 21 and 22 Blk 80 Lot 8 Blk 101 et.al.?

5) Whether or Not , Plaintiff was not notified by any other proceedings and it is obvious that the lots were taken without " Full and Just

Compensation " to this Plaintiff for the loans that this Plaintiff had made to the Town of Hilliard with the lot in question having been given as security to assure the loan made by the Plaintiff to Hilliard and later by the Act of the Legislature absorbed by the State of Florida and County of Nassau. See F.S. 197.356 ?

6) Whether or Not; At 12;00 P.M. on March 9,1981 this Plaintiff was served with a " Summons To Show Cause Notice of Eminent Domain Proceedings: on Lot 20 Blk 101, and Lot 4 189, Town of Hilliard, Florida ?

7) Whether or Not: Lot 4 Blk 189 was owned by Allen Godbee of Fernandina Beach, Florida, even though it was

only a wooded lot, with no clearing , and no improvements the stamps on the Deed of Conveyance from Godbee to the School Board revealed that at least $900.00 was paid to Godbee for Lot 4, Blk 189 ?

8) Whether or Not; This left only Lot 20 Blk 101 and this Plaintiff in the Eminent Domain Proceedings as Godbee was no longer a party ?

9) Whether or Not; This Plaintiff was never offered one thin dime before the day of the alleged hearing?

10) Whether or Not: Plaintiff had acquiesced in the occupation of the land and the portion of the School Bus Shop and did notify the Nassau County School Board of their oblig-

ation to pay $200 per month rent for "Use and Occupation" of same ?

11) Whether or Not; This Action is not an Appeal of State Action. There is no possibility of redress for this Plaintiff in State Court. THIS IS A CIVIL RIGHTS ACTION ?

12) Whether or Not; The first smack of Conspiracy was at the time of the first Eminent Domain Proceeding mentioned above ?

13) Whether or Not; The second smack of Conspiracy was that of Harrison's dismissal of Barrow's Amended Com= plaint ?

14) Whether or Not; The collusion became more and more obvious as the Kangaroo Court proceeded ?

15) Whether or Not: At the time of the

selection of the Jury this Orator knew that the hand writing was on the Wall -- this was a stacked deck ! A Flim-flam, the ever presence of F.S. 877.01(4) effervesced ?

16) Whether or Not; The jury admitted to their prejudices because of the Kenon Assassination of Barrow's reputation by the News Media, T,V. News and the State Officials and other Street Talk ?

17) Whether or Not: Barrow was allowed to purge two bias Jurors with prejudice however, James Harrison would make no provisions for the removal of Not One More Prejudicial Juror, Harrison ruled that the prejudice was not cause for removal. Harrison

Gibbs and Barrow all knew that Barrow did not have a Prayer resembling Justice, Not A China Mans Chance ?

18) Whether or Not; James Harrison and Gibba held their Kangaroo Court, Orchestrated by Craig Marsh School Superintendent ?

19) Whether or Not: Plaintiff's witness Robert Cecil Henderson, was disqualifed by Gibbs ? Harrison would allow Plaintiff's witness to testify, but would not qualify Henderson as a Witness, therefore Plaintiff had no witness ?

20) Whether or Not: Plaintiff objected to Craig Marsh being a witness sitting in an Orchestrating all hearings, For this Harrison coreced this Plaintiff with threat of contempt ?

21) Whether or Not: This Plaintiff

alleged that Gibbs instructions to the jury were un-conscionable , for this Harrison again coerced this Plaintiff with threat of Contempt. The ever presence of 877.01(4) effervesced ?

22) Whether or Not; The Black Deputy was sitting in,awaiting Harrison's Orders - - - - - - - - - - - - - - to take this Plaintiff away again to the Federal Detention Prison in Yulee ?

23) Whether or Not: The hand writing was on the wall -- This Plaintiff knew there would be NO JUSTICE in Harrison's Court. That false arrest was evident and eminent ?

24) Whether or Not; Harrison announced that No Compensation would be discussed before the Jury (who was then in wait) except for the land ?

25) Whether or Not; The Florida Statute required rent SHALL BE CONSIDERED ? There was interest from the day of taking until the day of judgment. There was $250 submitted for secretarial services, Harrison denied same. The value of the building was not allowed under Harrison's Orders there was not even a Smack of Justice remaining. the ever presence of F.S. 877.01(4) was efferescing ?

26) Whether or Not; Wherefore, this Plaintiff announced that he would leave the courthouse absent another threat of contempt by James Harrison; Harrison agreed Gleefully ! The eyes of co-hort Marsh Glittered !

27) Whether or Not; The jury heard no testimony of the defendant or any

witness for the defendant ?

28) Whether or Not; With no defendant present at the Kangaroo hearing and no one to represent defendant, this plaintiff the court continued ?

29) Whether or Not; It is alleged that the Verdict of the Jury was $250 as just and full compensation for the Plaintiff ?

30) Whether or Not:The land value (see Godbee's lot $900.00) was justified ----------$900.00 plus

31) Whether or Not: The legal Secretary' services was justified--------- $250 ?

32) Whether or Not: The rent of $200 per month for use and occupation was ever so reasonable ---------- $7200.00? Plus interest accruing month to month, from date due, until date paid to

this plaintiff ?

33) Whether or Not: The improvements on land was justified ----------$7200.00 plus Full and Just Compensation ---- ---------- $7200.00 ?

34) Whether or Not:A check No. 102 dated 12/14/83 for $250 made payable to Joh G. Barrow AND ALLEN GODBEE a stranger to this Plaintiff was mailed to consummate the $15550.00 Full and Just Compensation due this Plaintiff.

35) Whether or Not: A collusion was ever so obvious . Look at a parcel of land the same as Allen Godbee, plus clearing, plus improvements, plus appreciation, plus rent month to month for use and occupation @ $200 due until paid and $250 legal Secretarial Services and all

consummated for a WORTHLESS CHECK No 102 for consummating $15550.00 ?

36) Whether or Not: This Plaintiff when he left Harrison's Kangaroo Court was in Flight for his Freedom and very possibly running for his life ? Hate feeds itself?

3/) Whether or Not: In fact it is true that the Verdict of the Jury of the Kangaroo Court was but $250 to be divided be tween Godbee (who had no interest in the property Whatsoever) being condemned, and this Plaintiff, then it is ever so conclusive that the $250 award was so grossly disaportionate to any resemblance of " Full and Just Compensation" reasonably Warrented by facts as to raise immediate presumption of passion, prejudice or corruption by F.S. 877.01(4) ?

38) Whether or Not: Channel 12 WTLV--wanted part of the Action ?

39) Whether or Not; On the 25th day of June A.D. 1984, ONE LAURA COOK, by phone requested an interview ? This was not granted.

40) Whether or Not: Plaintiff explained that he would not be available ? LAURA COOK WAS STALLED.

41) Whether or Not: She insisted on calling on the morning of the 26th of June again was denied a personal interview. The denial of the personal interview made no difference whatsoever. Before 1:00 P.M. Laura Cook was ramming and framming on Barrow's front door ?

42) Whether or Not: Mean while her cohorting Camera Man was also invading

the privacy of the Barrow Family by taking pictures ?

There is nothing newsworthy of how low down into the bollomless pits of poverty the State Officials and the News Media has succeeded in driving the Barrow Family's standard of living. It was obvious that the picture taking was for the purpose of Smear and Smutt. ?

43) Whether or Not:On the 6 P.M. News Channel 12 WTLV Came ERNIE MSATROIANNI'S Bomb Blast of Plaintiff's reputation ?

44) Whether or Not: Ernie Mastronianni's Massacure of Barrow's reputation begins Quote: " Remember John Barrow, the fellow that evicted the Colored Couple in Quincy, the fellow that buys tax certificates " ?

45) Whether or Not: Mastronainni and

Channel 12 WTLV was served by Certified Mail # P-651-872-683 " Demand for Retraction and apology" the date of delivery is attested to by the return receipt post marked June 29, A.D. 1984--- To this date there has been no notice of Retraction, No response of any kind or nature only a continued acquiescence ?

46) Whether or Not: Channel 12 WTLV should be given an opportunity to prove their Character Assassinating " Eviction of the Colored Couple" to supply the Case Number and the date of filing the case of the " Eviction of the colored couple"?

47) Whether or Not:Channel 12 WTLV is not only wreckless with the truth and the reputations that they MURDER, they are also negligent to ascertain the truth, while merchandising their smut

and smears ?

48) Whether or Not; The Group of State Officials and the News Media are to be Compared to the Head of An Octpus. at different times it associated with itself the other defendant (the arms of the Octpus) whose co-coperation was of different kinds, but always was in furtherance of the single conspiracy. The Arms might not help or be associated with each other but were always attached to and endeavered to fowward the purpose of the Head ?

49) Whether or Not:The intent of the Conspirators are to erroneously picture Barrow (who is forced to live in the lower levels of poverty) as a Wealthy individual, who takes advantage

of and unjustly forecloses on the poor thereby making a Class Appeal and Branding Barrow as a Villian and Heartless ?

CLAIM ON WHICH RELIEF CAN BE GRANTED

This Plaintiff is entitled to the answer to all above stated issues so as to be put into possession of his property that has been unlawfully taken in an unconstitutional manner without full and just compensation and 'under color of law' because of the involvement of all of the various defendants, with other various defendants who are State and County Officials.

This demand of possession of the herein described property and the consummation for the use and occupation of the Plaintiff's property by the various

defendants is one part only.

Plaintiff is entitled to punitive damages, special damages, compensatory damages and exemplary damages as found meet and proper by this Court for the unlawful taking and holding of plaintiff's property in an unconstitutional manner without full and just compensation . One Million Dollars does seem ever so Reasonable.

DEMAND FOR RELIEF

This Plaintiff demands judgment for relief explained in the paragraph above.

Plaintiff Pleads this Action as a Citizen of the United States Whereupon it is the unquestionable duty

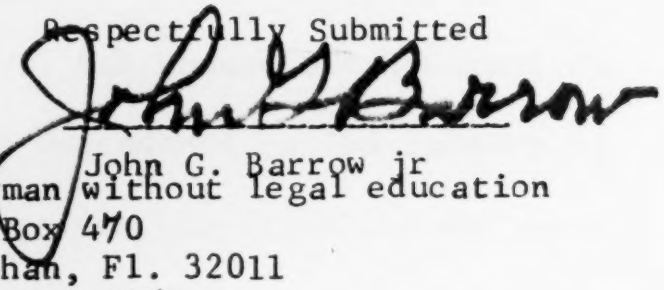
and inescapable obligation of this court to Grant Relief found to be Meet and Proper by this Honorable Court.

The personal Stake to this Plaintiff is Astrominical !

This Amended Complaint is intended by this Plaintiff to be an Amendment to the Entire Record on file of this Action.

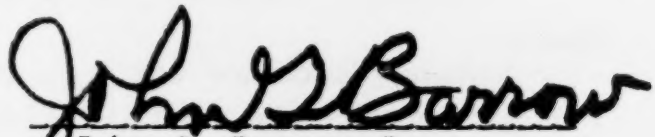
Should this Court find this Amended Complaint to be deficient or insufficient in any way, Plaintiff Offers to Anend,

Respectfully Submitted



John G. Barrow jr
A Layman without legal education
Rt 1 Box 470
Callahan, Fl. 32011
(904) 845-2475

I HEREBY CERTIFY, this 28th day of April 1986, that I did deliver a true copy of the foregoing instrument to all Counsel of Record.



John G. Barrow Jr

Fed Rules Civ. Proc. Rule 54 (c)
28 U.S.C.A.

" Under the Federal Rules Plaintiff pleads facts and not law, and the law is to be applied by the Court"

" A Plaintiff cannot be deprived of his rights without a trial, even if the trial promises to be long and burdensome".

UNITED STATES DISTRICT COURT
Middle District of Florida
Jacksonville Division

Filed Apr 5 3:39 PM '85
Clerk of District Court
Tampa, Florida

IN Re: JOHN G. BARROW JR,

_____/

O R D E R

Attached is a summary prepared by the Clerk describing 20 seperate actions in The Jacksonville Division of this Court within the last three years by John G. Barrow Jr, .It is apparent from a review of those cases that the Defendant has abused the processes of the Court; has abused and harassed the numerous Defendants called upon to defend against his frivolous and vexatious claims; and has abused the prec-

ious judicial resources of this Court at the incaloulable expense of other citizens and litigants of the Middle District of Florida seeking a prompt and expeditous adjudication of their meritorious claims.

Accordingly, the Clerk of this Court is hereby enjoined from accepting for filing from John G. Barrow Jr in any pending or future case, any further pleadings or parers of any kind what so ever unless such pleadings or papers (1) are signed by a member in good standing of the Bar of this Court . or (2) are tendered for filing by Mr Barrow in a case brought against him as a defendant by other party or parties; or (3) are tendered for filing by Mr Barrow to invoke the

Court's jurisdiction pursuant to 28 USC § 2254 for collateral review of a State Court criminal conviction of him as a Defendant.

IT IS SO ORDERED

DONE AND ORDERED AT TAMPA, FLORIDA this 5th day of April 1985 3:30 P.M.

/s/ Wm Terrell Hodges
United States District Judge

(80)

UNITED STATES DISTRICT COURT
Middle District of Florida
Jacksonville Division

Filed Aug. 7 9:15 AM '85

JOHN G. BARROW JR

Plaintiff,

VS. Case No. 84-64-Civ-J-16

IRENE SCOTT as an individual
Internal Revenue Service

Defendants

John G. Barrow Jr

Plaintiff,

vs Case No. 84-104-Civ-J-14

American Telephone And
Telegraph Co. et.al..

Defendants

JOHN G. BARROW JR

Plaintiff,

vs. Case No. 84-135-Civ-J-14

Winifred S Hill, Tax Collector
St Johns County

Defendant.

JOHN G. BARROW JR

Plaintiff,

vs. Case No. 84-414-Civ-J-16

CHARLES HOOD and Mike Noone

Defendants,

John G. Barrow Jr,

Plaintiff,

vs Case No. 84-437-Civ-J-16

Eleanor B Hawkins, et al.

Defendants

John G. Barrow Jr,

Plaintiff,

vs Case No. 84-456-Civ - J-14

Haverty Furnirure et al
Defendants

John G. Barrow Jr
Plaintiff,

vs Case No. 84-588-Civ-J-12

T.J. Greeson Clerk et al.

Defendants

John G. Barrow Jr
Plaintiff
vs Case No. 84-589-Civ-J-14

JAMES HARRISON, et al
Defendants

John G. Barrow Jr
Plaintiff,
vs. Case No. 84-590-Civ- J-16

D.A.C. Corporation of Florida
et al.

Defendants,

John G. Barrow Jr
Plaintiff,
vs. Case No. 84-981-Civ-J-16

The Farmers Home Administration

Defendants

John G. Barrow Jr

Plaintiff,
vs. Case No. 84-982-Civ-J-14

Jack Reed, et al

Defendants

John G. Barrow Jr,
Plaintiff,
vs Case No. 84-1191-Civ-J-12

Harold B Wahl, et al

Defendants,

John G. Barrow Jr
Plaintiff,
vs. Case No. 85-91-Civ-J-12

H. Ray Walker, Tax Collector
Columbia County

John G. Barrow Jr
Plaintiff
Vs Case No. 85-160-Civ-J-14

Carl "Bud" Markel

Defendant

---

(84)

JOHN G. BARROW JR

Plaintiff,

VS. Case No. 85-287- Civ-J-12

JIM BISHOP, Jr, Tax Collector
and as an individual,

Defendant,

- - - - - - - - - - - - - - - - - - -

O R D E R

Pursuant to the Addendum to the Jacksonville and Ocala Division Case Assignment to the Honorable Wm. Terrell Hodges for final disposition.

Concurrent with this reassingment, and in accordance with Local Rule 6.01 (c) (18), all pre-trial proceedings non-dispositive motions, and any applicable preliminary or pre-trial conferences are hereby referred to United States Magistrate Harvey E Schlesinger, who shall be responsible

for the conduct, supervision and determination of all such matters. Pursuant to Fed. R.Civ.P. 72(b), all dispositive motions are also referred to Magistrate Schlesinger, who shall promply conduct such proceedings as are required, and subsequently prepare and forward to me a recommendation for the disposition of the matter, along with proposed findings of fact when appropriate. Although this court has previously entered an Injunction against plaintiff's filing of additional materials (see Order dated April 5,1985) nothing in that Order shall preclude Plaintiff and/or the other parties from consenting to permit Magistrate Schles-

inger, to conduct any and all future proceedings including a jury or non-jury trial, and thereafter to enter final judgment in a particular case. The form of such consent should be governed by the provisions of Fed. R.Civ-P. 73 (b) and (c).

DONE AND ORDERED this 5th day of August 1985, in Tampa, Florida.

/s/ Wm Terrell Hodges
Chief Judge

Copies to Mr. John G Barrow Jr
Route 1 Box 470
Callahan, Fl. 32011
Counsel of Record.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA
Jacksonville Division

Filed Aug.15 4:35 PM '86
U.S. Dist.Court
Tampa, Fl.

JOHN G. BARROW JR

Plaintiff,

-vs- Case No. 84-104-Civ-J-10

AMERICAN TELEPHONE and
TELEGRAPH CO. et al

Defendants,

JOHN G. BARROW JR

Plaintiff,

-vs- Case No. 84-135-Civ-J-10

winifred s. hill Tax Collector
St Johns County

Defendants,

JOHN G. BARROW JR

Plaintiff,

-vs-

Case No. 84-191-Civ-J-10

ROOSEVELT BAKER JR

Defendant,

JOHN G. BARROW JR,
Plaintiff,

-vs- Case No. 84-192-Civ-J-10

VERNON DOUGLAS and
EUGENE CHRISTIAN
Defendants,

JOHN G. BARROW JR,
Plaintiff,

-vs- Case No. 84-412-Civ-J-10

T. BUCKINGHAM BIRD et al

Defendants,

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-414-Civ-J-10

CHARLES HOOD and MIKE NOONE,

Defendants,

JOHN G. BARROW JR
Plaintiff
-vs- Case No. 84-437-Civ-J-10

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 85-160-Civ-J-10

CARL "BUD" MARKEL

Defendant
---/

JOHN G. BARROW JR,
Plaintiff,

-vs- Case No. 85-287-Civ-J-10

JIM BISHOP, Tax Collector
and as an individual,

Defendant

---/

ORDER

The Magistrate's recommendations that these cases be Dismissed With Prejudice and that Rule 11, F.R.Civ.P sanctions of costs and attorneys fees be assessed are upon due consideration, ADOPTED in each case.

These cases are again referred to the

Magistrate to conduct all further proceedings necessary to determine and recommend the appropriate amount of costs and attorneys fees in each case.

An appropriate Judgment will then be entered in each case dismissing Plaintiff's claims with prejudice and awarding fees and costs to defendants.

IT IS SO ORDERED

DONE AND ORDERED at Tampa, Florida this 15th day of August, 1986.

/s/ Wm Terrell Hodges
United States District Judge

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Division.

Filed Aug. 27, 9:55 AM
'86
Clerk Dis Court
Jacksonville, Fl.

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 84-1040Civ-J-10

AMERICAN TELEPHONE and
TELEGRAPH CO. et al
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-135-Civ-J-10

WINIFRED S HILL, Tax Collector
St Johns County
Defendant,
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-191-Civ-J-10
Roosevelt Baker,
Defendant
_____ /

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-192 -Civ-10

VERNON DOUGLAS and
EUGENE CHRISTIAN
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-412-Civ-J-10

T. BUCKINGHAM BIRD et al
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-414-Civ-J-10

CHARLES HOOD and MIKE NOONE
Defendants,
_____/

John G. Barrow Jr
Plaintiff,

-vs- Case No. 84-43/-Civ-J-10

ELEANOR B. HAWKINS et al
Defendants
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-456-Civ-J-10

HAVERTY FURNITURE COMPANYet.al
Defendants
_____/

JOHN G. BARROW JR,
Plaintiff

-vs- Case No. 84-1191-Civ-J-10

HAROLD B. WAHL, et.al.
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 85-91-Civ-J-10

H. RAY WALKER, Tax Collector
Columbia County
Defendant,
_____/

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 85-160-Civ-J-10
CARL "BUD" MARKEL
Defendant
_____ /

(94)

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 85-28/-J-10

JIM BISHOP JR Tax Collector
and as an individual
Defendant
_____/

O R D E R

All parties in the above= styled cases who wish to assert a claim)s) for attorney's fees and/or costs shall submit a Motion memorandum and affidavit itemizing the requests within ten (10) days from the receipt of this Order. This affidavit shall include a time sheet which details the hours utilized in the defense of the case. Those parties not wishing to assert a claim for attorney's fees and/or costs shall so inform the court by pleading.

A hearing on these Motions requesting

fees and costs will be held on the 16th day of October, 1986, at 9:30 a.m. Courtroom 4, Third Floor, United States Post Office Building, 311 West Monroe Street, Jacksonville, Florida.

DONE AND ORDERED at Jacksonville, Florida, this 26th day of August, 1986.

/s/ Harvey E Schlesinger
Magistrate
United States Magistrate

Copies To:
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Callahan, Fl. 32011

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920 Barnett Bank Building
Jacksonville, Fl 32202

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Assistant County Attorney
Post Office Drawer "CC"
Gainesville, Fl 32602

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Division

JOHN G. BARROW JR
Plaintiff,

-vs- Case No 84-64-Civ-J-10

IRESE SCOTT
WILLIE FORTENBERRY
WILLIAM R. McCANTS as
individuals with the
Internal Revenue Service

Defendants,
_____/

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 84-588-Civ-J-10

T.J. GREESON
JAMES S PAGE
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 589-Civ-J-10
James Harrison, as an individual
Marks, Gray, Conroy and Gibbs
Craig Marsh, Nassau Co. School Board
Ernie Mastroianni, Laura Cook ,Channell
12 WTLV Defendants

JOHN G. BARROW JR
Plaintiff

-v- Case No. 84-590-Civ-10

D.A.C. Corp.
T.J. GREESON
Defendants
_____/

JOHN G. BARROW JR
Plaintiff
-vs- Case No 84-981-Civ-J-10
Joseph Balkcom
William Stafford
Lynn C Higby
Farmers Home Administration
Defendants
_____/

JOHN G. BARROW JR

Plaintiff
-vs- Case No 84-982-Civ-J-10

JACK REED et.al.

Defendants
_____/

.(100)
JOHN G. BARROW JR

Plaintiff,

-vs-

Case No. 86-400-Civ-J-10

RICHARD KING as an individual
et al.

Defendants

O R D E R

All parties in the above-styled cases who wish to assert a claim(s) for attorney's fees and/or cost shall submit a Motion memorandum, and affidavit itemizing the requests within ten (10) days from the receipt of this Order. This affidavit shall include a time sheet which details the hours utilized in the defense of the case. Those parties not wishing to assert a claim for attorney's fees and/or costs shall so inform the Court by

pleading.

A hearing on these Motions requesting fees and costs will be held the 2nd day of June 1978, at 9"30 a,m. Court room 4, Third Floor, United States Post Office Building, 311 West Monroe Street Jacksonville, Florida.

DOE AND ORDERED at Jacksonville,Florida this 11th day of May, 1987.

/s/ Harvey E Schlesinger
United States Magistrate.

(102)

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF FLORIDA
(Jacksonville Division)

Filed Jul 30 10:Am
1984

JOHN G. BARROW JR

Plaintiff

VS. No. 84-589-Civ J-14

JAMES HARRISON , as an individual
MARKS, GRAY, CONROY & GIBBS
CRAIG MARSH, as an individual
Nassau County School Board
ERNIE MASTROIANNI
LAURA COOK
CHANNEL 12 WTLV/ HOWARD KELLY

Defendants,

****

AMENDED COMPLAINT WITH DEMAND FOR
TRIAL BY JURY WITH THREE JUDGE
DISTRICT COURT

##########

Plaintiff, Sues the Defendants to Wit:

James Harrison, as an individual,
Marks, Gray Conroy & Gibbs
Craig Marsh, as an individual
And Nassau County School Board
Ernie Mastroianni
Laura Cook
Channell 12 WTLV / Howard Kelly

The above named Defendants are hereby given " Fair Notice" of the fact that this Plaintiff this day has filed a Civil Suit, pursuant to Federal Rules of Civil Procedure naming each of these defendants.

1) This Action is a Federal Action relating to Federal Questions, perpetrated by Acts of the Defendants in their taking of Plaintiff's private property in an un-constitutional manner.

2) Pursuant to Rule 8 (a) of the Federal Rules of Civil Procedure, Plaintiff states a claim for which relief may be granted.

Rule 8 (a) (1) JURISDICTIONAL GROUNDS

The Constitution of the United States.
28 U.S.C. § 1331
Gen Fed. Questions
28 U.S.C.A. § 1331
28 U.S.C. § 1343
No Jurisdictional Limit
28 U.S.C.A. 1343
Amendment V
Amendment XIV
42 U.S.C.A. § 1983
Damage Recovery
42 U.S.C. § 1343

(104)
§ 241 Conspiracy
R.S. 1979 § 1343
§ 19
42 U.S.C.A. § 1985
18 U.S.C. § 242 Color of law
18 U.S.C.A. § 242
Sub 1 § 5169 S ext
18 U.S.C.A. § 51
§ 5508 Coercion
Amend. VI, XIV ,Confrontation
Section 6 Resulting in injury.

Rule 8 (a) (2) ENTITLEMENT TO RELIEF

a) Plaintiff's Constitutional rights have been invaded and denied.

b) Plaintiff has been denied " full and just Compensation" for property taken through condemnation.

c) Plaintiff has been denied protection of the law, equal to that afforded the State Agency.

d) Plaintiff has been denied Due Process by failure of James Harrison to comply with elementary principles of procedural due process.

e) Plaintiff has been denied the right to confrontation guaranteed by the VI Amendm-

ent, and made obligatory by the XIV Amendment Amendment one, of Our Constitution of the United States and the Grounds for Jurisdiction listed above is all the entitlement the Plaintiff needs.

We hereby " Petition Our Government for Redress of Grievances".

Rule 8 (a) (3) DEMAND FOR JUDGMENT FOR RELIEF

Plaintiff Herewith Demands Judgment for relief for:

(a) Full and Just Compensation to include all elements of damages to Plaintiff, in taking of his property and deprivation of rights et.al.

b) Plus Special and Punitive Damages for which Three Million Dollars does seem ever so reasonable. (What are your constitutional rights worth ? Make offer

In Bevins v Six Unkown Agents 91 S.Ct.1999

The Court Holds: 4

.(106)
" For people in Bevins Shoes it is DAMAGE or NOTHING"
The same is true in the BARROW'S MOCCASINS.

3) (c) Other relief as found Meet and Proper by this United States District Court.

ISSUES AND FACTS

1) In 1975 the Nassau County School Board caused to be built the Hilliard Elementary School and the Bus Repair Shop, in an area Northwest of the Town of Hilliard, Florida.

2) The Godfathers, Took, Seized and/or confiscated any and everyone's land in the area without regards for the rights of any owners of property rights and did trespass by occupation of the lands, like that of a Mob of Wild Indians.

3) They were also not concerned with the vested rights or other encumbrances of anyone in the lands, effected thereby, especially at the time of taking however, in May and June of 1980, a legal Ad appeared in the

Local News Print advertising of condemnation proceedings in Case No-80-241-CA.

4) Plaintiff did notify by Certified mail both D.O. Oxley Clerk of the Court, Nassau County and the law firm of Marks, Gray,Conroy and Gibbs, of Plaintiff's vested rights in the lots which the School Board had seized and after five (5) years of trespass by the School Board, were now in the process of Condemnation Proceedings, of Lots 21 & 22 Blk. 90, Lot 8 Blk 101 et al.

5) Plaintiff was not notified by any other proceedings, and it is obvious that the lots were taken without " Full and Just Compensation" to this Plaintiff for the loans that this Plaintiff had made to the Town of Hilliard, with the Lot in question having been as security to assure the loan made by the Plaintiff to Hilliard, and later by the Act of the Legislature absorbed by the State of

Florida and County of Nassau. See: Florida Statute 197.356.

6) Then at 12:20 P.M. on March 9th 1981, this Plaintiff was served with a "Summons To Show Cause Notice of Eminent Domain Proceedings" on Lot 20 Blk. 101 and Lot 4 Blk. 189 Town of Hilliard, Florida.

7) Lot 4 Block 189 was owned by Allen Godbee of Fernandina Beach, Florida, Even though it was only a wooded lot, with no clearing and no improvements, the stamps on the Deed of Conveyance from Godbee to the School Board revealed that at least $900.00 was paid to Godbee, for Lot 4 Blk 189. This left only Lot 20 Blk 101 and this Plaintiff in the Eminent Domain Proceedings, as Godbee was no longer a Party.

8) This Plaintiff was never offered One Thin Dime, before the alleged day of the hearing.

9) Plaintiff had acquiesed in the occupation

of the land and the portion of the School Bus Shop and did notify the Nassau County School Board of their obligation to pay $200 per month rent for " Use and Occupation of same.

10) This action is not on appeal of State Action. There is no possibility of Redress for this Plaintiff in State Court. THIS IS A CIVIL RIGHTS ACTION.

11) In Monroe v Pape, 81 S Ct 473 The Court Holds:
" Section 1979 should be read against the background of tort liability. That makes a man responsible for the Natural Consequences, of his actions"

" The third aim was to prove a Federal remedy though adequate in theory, was not available in practice"

Federal jurisdiction must be asserted under R.S. § 1979 and 28 U.S.C. § 1343 and 28 U.S.C. § 1331 and 28 U.S.C.A. § 1331, 28 U.S.C.A. § 1331 and others, listed below.

CAUSE OF ACTION

The Cause of Action in this litigation is;

a) Deprivation of Constitutional Rights.